

**Senator Cory Booker**  
**Testimony on the Fair Chance Act**  
**Before the House Oversight and Government Reform Committee**  
**Subcommittees on Civil Rights and Civil Liberties and**  
**Government Operations**  
**Wednesday, March 13, 2019**

Chairman Raskin, Chairman Connolly, Ranking Member Roy, and Ranking Member Meadows, it's an honor to be here today to testify before these Subcommittees, thank you very much for holding this hearing on the Fair Chance Act. Thank you to Chairman Cummings for his leadership on the bill and to Representative Collins for his support.

I also want to gratefully acknowledge the co-author of the Fair Chance Act, the bill's lead Republican cosponsor in the Senate——Senator Johnson, who as Chairman of the Senate Homeland Security and Governmental Relations Committee, has successfully ushered the bill through committee three times since it was first introduced in 2015.

There are more than 650,000 people released from prison each year, people who have served their time, paid their debt to society and are returning to their communities with the hope of a second chance. But all too often, despite being freed from the physical bars that confined them, they continue to face steep and systemic barriers to full and meaningful integration into society. The American Bar Association has identified nearly 45,000 “collateral consequences” to having a criminal record – which often extend a sentence far beyond the years a person spends behind bars. One of the most difficult struggles people face when they get out is finding a job. Research has shown that a conviction record reduces the likelihood of a job callback or offer by nearly 50%.

This is even more acutely felt by people of color, who have an even less likelihood of getting a job interview after a conviction. That same research has found that while 17% of whites with a criminal record were given a call back, only 5% of African Americans were.

I've heard from people in my home state of New Jersey and I've read the stories of countless Americans across the country, who are doing everything they can to turn their lives around, but the barriers to obtaining employment are stacked so high, it's hard for them to see to the other side.

A father from Bergen County, New Jersey, wrote to me about his son: who was convicted for nonviolent drug charges, but has since completed rehab, finished high school, attended technical school, and been certified as a heating and air conditioning technician –but has repeatedly been denied jobs because of his criminal record.

At the end of last Congress, in an unprecedented bi-cameral and bipartisan effort, we passed the First Step Act – which, as its name suggests, was just that – a step on the journey to a more just, more fair and more equitable system. But unfortunately, we have a long way to go to ensure that those released under the First Step Act are set-up for success and not failure.

President George W. Bush once said, "America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life." We've got some work to do to realize the promise of this second chance that the late President so eloquently described, and the Fair Chance Act is part of this work.

The Fair Chance Act allows qualified people with criminal records to get their foot in the door and be judged on their own merit, while at the same time allowing employers to know an individual's criminal history before the applicant is hired. In short, the bill would preclude the federal government—and federal prime contractors—from asking a job applicant about his or her criminal record until a conditional offer of employment is extended. Yes, an employer has a right to know whether someone they're considering for a job has a criminal history, but by placing this information at the end of the interview process, it allows a candidate to be judged objectively, instead of having their resume

reflexively tossed in the trashcan at the beginning of the process. This bill strikes the right balance between giving returning citizens a fair chance to find a job and allowing employers to know who they are hiring.

33 states and the District of Columbia, and over 150 cities and counties have adopted “fair chance” policies in the public sector, and they have proven so successful that 11 states and 17 cities and counties have extended their fair-chance laws to private employment. Here in DC, after the policy was adopted, there was a 33% increase in the number of applicants with records hired, which resulted in 21% of all new hires in DC being people with records. This bill will help break the dangerous cycle of recidivism and give people with a criminal record a fair shot at obtaining a job and building a better life for themselves.

But, much more than that, this bill is about our nation’s capacity for forgiveness and redemption. Are we a nation that believes in second chances? That believes in a person as they are now rather than who they used to be? I believe we are, and I urge all members of this Committee to support this bill.

Thank you again for giving me this opportunity to testify.