

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

### Opening Statement

**Chairman Gerald E. Connolly**

**Joint Subcommittee Hearing on “The Fair Chance to Compete for Jobs Act, H.R. 1076”**

**Subcommittee on Civil Rights and Civil Liberties and**

**Subcommittee on Government Operations**

**March 13, 2019**

I want to thank Chairman Cummings, Ranking Member Doug Collins, and Senators Johnson and Booker for introducing The Fair Chance to Compete for Jobs Act. The bill would help provide ex-offenders with opportunities for employment in the federal workforce by prohibiting agencies and federal contractors from asking about the criminal history of the job applicant until after making a conditional offer of employment. The “Ban the Box” policy would help address a serious obstacle for the millions of people with criminal records seeking to re-enter the labor market.

Studies have shown that employment is the single greatest factor in reducing recidivism among formerly incarcerated individuals. We also know that lower levels of unemployment benefit local communities and the overall economy. A report from the Center for Economic and Policy Research estimates that the reduction in the overall employment rate caused by barriers faced by those with a criminal history costs the United States \$78 to \$87 billion in annual GDP. That is one reason 33 states and more than 150 cities and counties have adopted policies preventing public employers from asking about an applicant’s criminal history until a later stage in the hiring process. In Washington, D.C., alone, the implementation of the Ban the Box policy has resulted in a 33 percent increase in employment for the formerly incarcerated. Several private sector companies, like Facebook, Walmart, and Starbucks, have also removed the section of their job application that asks if the applicant has a criminal record.

In November 2015, President Obama moved to implement a ban the box policy across the federal government. The final rule issued by the Office of Personnel Management (OPM) is intended to encourage more individuals with the requisite knowledge, skills, and ability to apply for federal positions. The current policy provides important exemptions for jobs in intelligence, national security, and law enforcement, and allows for agency heads to seek additional exemptions from OPM under certain circumstances.

I believe more can be done to help ex-offenders find employment. Federal contractors play an important role in supporting the operations of the federal government. New York University professor Paul Light estimates that among 40 percent, or 3.6 million of the 9 million individuals who comprise the federal workforce, are contractors. As I have often said, federal contractors often work shoulder-to-shoulder with federal employees, sometimes even performing

the substantially similar tasks. That is why it makes sense to expand the ban the box policy to federal contractors. Requiring federal contractors to wait until the conditional offer stage of the application process to ask about an applicant's criminal history would increase employment opportunities for ex-offenders.

In order for ban the box to be truly effective, federal contractors will need a better understanding of how to implement the policy successfully. For example, the Equal Employment Opportunity Commission (EEOC) released guidance in 2012 on what employers can or cannot do when considering arrest and conviction records in employment decisions. The guidance states that while it is not a violation of the law to take arrest and conviction records into account in making employment decisions, a violation may occur when an employer treats criminal history information differently for different applicants based on their race or national origin. The EEOC guidance also recommends that employers train managers, hiring officials, and decision makers about applicable laws and prohibitions on employment discrimination.

Each year, around 600,000 individuals are released from federal and state prisons. Each of them will face numerous hurdles as they try to reintegrate into society. Access to stable and quality jobs benefits both ex-offenders and society. Where the federal government can help, we must act. The bipartisan and bicameral Fair Chance to Compete for Jobs Act introduced by Chairman Cummings helps ensure that ex-offenders will have access to stable employment in the federal workforce, and I am proud to support this bill.

---

Contact: Aryele Bradford, Communications Director, (202) 226-5181