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House of Representatives

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Opening Statement
Chairman Elijah E. Cummings
Hearing on “The Fair Chance to Compete for Jobs Act (H.R. 1076)”
March 13, 2019

Thank you Chairman Raskin, Chairman Connolly, Ranking Member Roy, and Ranking Member Meadows for holding this hearing on H.R. 1076, the Fair Chance to Compete for Jobs Act.

I am a proud sponsor of this bill, and I am honored to join with Senator Booker, Chairman Johnson from the Senate Homeland Security and Governmental Affairs Committee, and Ranking Member Collins from the House Judiciary Committee. This is a bipartisan effort, and it is a bicameral effort, and with your support, I hope we can move this legislation forward.

Our bill would do what many state agencies and private corporations are already doing. It would direct federal employers and contractors not to ask about the criminal histories of applicants until the conditional offer stage. The bill also includes important exceptions for law enforcement and national security positions, positions requiring access to classified information, and positions that, by statute, require access to criminal history information. It will give formerly incarcerated individuals a fair chance at a job and a piece of the American dream.

Criminal justice reform is personal to me. I have seen the problems that plague the system through many lenses. I saw it during my days as a young lawyer, representing criminal defendants in Baltimore. I have seen it as someone who has a deep respect for dedicated police officers who serve and protect our communities. I have seen it as a Congressman representing a district where finding balance between law and order, and crime and punishment, is of profound concern for my constituents. I have seen it as a concerned citizen of my community, where I have lived for three decades, in the inner city of Baltimore.

One lens that has not changed is the lens of color. We have seen how sentences issued by our criminal justice system disproportionately affect Americans of color. Seventy percent of Maryland’s incarcerated individuals are African American, although African Americans comprise only thirty-one percent of the state’s population. According to a report released by the ACLU, this was the highest proportion of incarcerated African Americans in the entire country in 2014.

Formerly incarcerated individuals need jobs to support themselves and their families after they have served their sentences. Jobs will also help them avoid recidivism, which helps us all.

But they will be followed by criminal records long after they have repaid their debts to society. Criminal records limit their employment opportunities and are barriers to getting a job.

We can reduce those barriers with H.R. 1076. Fortunately, there is an emerging bipartisan consensus that this barrier has to come down now. There are legislators on both sides of the aisle who are considering how we could transform lives—and save money—if we help offenders to truly put their past behind them.

We have a unique moment of bipartisan momentum for true reform, and it is ours to seize. My hope is that this hearing inspires action. My Republican colleagues and I disagree about many things. However, on the Fair Chance Act, we have not only found common ground, we have, because of a moral imperative, found higher ground.

Finally, let me address the concern that a couple of my Republican colleagues have raised. Although this measure is largely bipartisan, a couple of my colleagues say they are concerned that this bill could somehow hurt African Americans or others when certain racist employers discriminate against minorities who they think might have criminal records. Look, you all know who I am. I have been working on civil rights issues for decades. I think I have some standing to speak on this matter. You would know that I would never support a bill that I believed would cause discrimination against African Americans. So, take it from me, we support this bill. It helps us. It doesn't hurt us. We ask for your support.

Now, if there is evidence that someone is illegally discriminating against African Americans in the federal hiring process, the remedy for that civil rights violation is to bring the full force of the law down on that individual. The remedy is not to withhold support for a bill that would help our communicates and our nation.

We owe it to our children and our grandchildren. We must make lasting changes that give them opportunities and hope. We need to invest in reform now for future generations, so that they can see a criminal justice system and an entire country they can believe in.

We must remember that our children are living messages we send to a future we will never see, and we need to make every child's dream accessible, which starts with their parents.

I would like to thank Senator Johnson, Senator Booker, and Congressman Collins for testifying before the Committee today.

I also thank the witnesses on the second panel, Ms. Holly Harris from the Justice Action Network, and Ms. Teresa Hodge of R3 Technologies, for sharing their insights with us today.

I look forward to our discussion and scheduling the Fair Chance Act for markup as soon as possible.

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