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House of Representatives

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Opening Statement

Chairman Jamie Raskin

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 welcome our panel of experts working on this bipartisan legislation to help get people back into the job market and on their feet. What a refreshing experience it is to have us all working together to promote effective reentry of people who have a criminal record by making sure the federal government is a leader in the field.

I would also like to thank again the members of our last panel—Chairman Johnson, Senator Booker, Ranking Member Collins—and of course, our own Chairman Cummings for introducing the Fair Chance Act. Their strong principled leadership is precisely what we need to address the many barriers faced by formerly incarcerated people.

This is my first hearing as Chairman of the new Civil Rights and Civil Liberties Subcommittee. I want to extend my warm greetings to the gentleman from Texas, Chip Roy, who is the Ranking Member, and also my Vice-Chair, the gentlewoman from New York, Alexandria Ocasio-Cortez.

This is an exciting and timely hearing. Fortunately, the laboratories of democracy have been banning the box for quite some time now, so we have a good table of experiences to draw from across the country. Six years ago, my home state of Maryland became the ninth state to “ban the box” and to improve fair hiring practices in our local communities. Today, 33 states and more than 150 cities and counties have instituted “ban the box” policies. In addition, companies like Walmart, Koch Industries, Target, Home Depot, and Bed, Bath & Beyond have embraced the policy too.

Congress can now strike a decisive blow for reentry and reintegration by finally enacting this policy at the federal level with The Fair Chance Act. The bill would codify the existing OPM guidance for federal agencies to ask about criminal histories only after a conditional job offer has been made, rather than automatically screening out applicants at the beginning of the process.

When highly qualified job seekers do not even make it to an interview, there is nothing but lost opportunity on all sides—to the employer and the applicant, but also to the applicants’ families and our local communities.

The Fair Chance Act includes important exceptions for sensitive positions in national security and law enforcement and would not force any employer to hire any applicant they do not want to. But the bill would institute “ban the box” for millions of federal contractor positions for the first time, effectively opening up the possibility of employment to this critical and expanding sector.

Study after study has shown that steady and meaningful employment is the single most significant factor for reducing recidivism for formerly incarcerated individuals. Finding and keeping a job is a critical way for returning citizens to truly reintegrate and make contributions to their families and our society.

The bipartisan Fair Chance Act was first introduced four years ago. In this Congress, the Senate Homeland Security and Government Affairs Committee has already approved it by voice vote. I look forward to hearing more about the details and the rationale for the Fair Chance Act as the Committee plans to take up the bill at a markup as well.

We must also observe that there is still so much work to be done to enforce “ban the box” more effectively and to dismantle the many other barriers to effective reentry for formerly incarcerated individuals. As Chairman of the Civil Rights and Civil Liberties Subcommittee, I hope today will be the first of many hearings to advance the bipartisan cause of a fair and just criminal justice system.

I also want to thank Teresa Hodge from Baltimore for her tireless advocacy efforts in Maryland to help those with criminal histories successfully reenter society, and for sharing her own experiences with facing barriers to reentry. Ms. Hodge’s story of going to prison, being released, and building bridges to success not only for herself, but for others, is a powerful testament to the potential that would otherwise be wasted if not for policies of reentry embodied in the Fair Chance Act.

There are still far too many people who have paid their debt to society but are never given a fair chance at working with dignity in our communities. I look forward to hearing how this legislation will help improve things. Our Constitution, indeed our whole country, is based on the idea of second chances. We don’t allow taints of blood, bills of attainder, Titles of Nobility and other status offenses and assignments that freeze people permanently into one social caste or position. In this sense, the Fair Chance Act is in the best traditions of our country.

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