

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

June 28, 2017

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to request that you place H.R. 1905, the Fair Chance Act, on the agenda for the Committee's next business meeting. The bill would codify existing federal policy regarding the appropriate point in the hiring process to ask applicants about their criminal history.

More than 70 million Americans who have criminal histories are faced with the daunting task of securing employment. With arrest records or criminal convictions, they face improbable odds in obtaining jobs. For individuals who have paid their debt to society and are trying to turn the page on a difficult chapter in their lives, criminal convictions pose a substantial barrier to employment.

Many states and cities have promoted a "Ban the Box" campaign to overcome the employment barrier of having to "check the box" with a felony conviction. Eighteen states and more than 100 cities and counties have taken action to give formerly incarcerated people a fair chance to secure employment. Private companies such as Walmart, Starbucks, Koch Industries, Target, Home Depot, and Bed, Bath & Beyond have also embraced Ban the Box policies to fairly assess job applicants.

Currently, federal law does not prevent federal employers from asking a formerly incarcerated person about their past crimes at any stage of the hiring process. The Fair Chance Act would codify the Ban the Box policy in the federal government and would require federal contractors not to ask about criminal history information until the final stages of the process. The bill includes important exceptions for national security, law enforcement, and positions for which criminal history information is required by law.

This bipartisan bill would reduce recidivism and strengthen our communities. It is a balanced approach that gives prospective employees a meaningful opportunity to interview and be considered based on their merits, while still providing employers the opportunity to learn about criminal histories before hiring new employees.

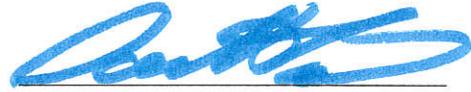
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Thank you for your attention to this matter. We look forward to working with you to hopefully bring this bill before the Committee.

Sincerely,



Elijah E. Cummings
Ranking Member



Darrell E. Issa
Committee Member

The Fair Chance to Compete for Jobs Act of 2017 (Fair Chance Act)

Representative Elijah E. Cummings (D-MD) and Representative Darrell Issa (R-CA)

Over 70 million Americans who have criminal histories are faced with the daunting task of securing employment. They face improbable odds in obtaining jobs with arrest records or criminal convictions. Studies show that a criminal record reduces the likelihood of a callback or job offer by nearly 50 percent for men in general. African-American men with criminal records have been 60 percent less likely to receive a callback or job offer than those without records. For individuals who have paid their debt to society, and are trying to turn the page on a difficult chapter in their lives, criminal convictions pose a substantial barrier to employment.

Nationwide, States and cities have recently promoted a “Ban the Box” campaign to overcome the employment barrier of having to “check the box” with a felony conviction. Eighteen states and more than 100 cities and counties have taken action to give formerly incarcerated people a fair chance to secure employment. Companies such as Walmart, Starbucks, Koch Industries, Target, Home Depot, and Bed, Bath & Beyond have embraced Ban the Box policies to fairly assess job applicants.

Currently, federal law does not prevent federal employers from asking a formerly incarcerated person about their past crimes at any stage of the hiring process. The *Fair Chance Act* would bring the Ban the Box initiative to the federal government and would require federal employers and federal contractors not to ask about criminal history information until the final stages of the process. It also includes important exceptions for national security, law enforcement, and positions for which criminal history information is required by law.

This bill would reduce recidivism and strengthen our communities. It is a balanced approach that gives prospective employees a meaningful opportunity to interview and be considered based on their merits, while still providing employers the opportunity to learn about criminal histories before hiring new employees.

The *Fair Chance Act* would:

- ***Ban the federal government—including the executive, legislative, and judicial branches—from requesting criminal history information from applicants until they reach the conditional offer stage;***
- ***Prohibit federal contractors from requesting criminal history information from candidates for positions within the scope of federal contracts until the conditional offer stage;***
- ***Include important exceptions for positions related to law enforcement and national security duties, positions requiring access to classified information, and positions for which access to criminal history information is required by law; and***
- ***Require the U.S. Census Bureau and the Bureau of Justice Statistics to issue a report on the employment statistics of formerly incarcerated individuals.***