

**THE FAIR CHANCE TO COMPETE FOR JOBS ACT
(H.R. 1076)**

HEARING

BEFORE THE
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES
OF THE

**COMMITTEE ON OVERSIGHT
AND REFORM**

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

March 13, 2019

Serial No. 116-10

Printed for the use of the Committee on Oversight and Reform



Available on: <http://www.govinfo.gov>
<http://www.oversight.house.gov> or
<http://www.docs.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON OVERSIGHT AND REFORM

ELIJAH E. CUMMINGS, Maryland, *Chairman*

CAROLYN B. MALONEY, New York	JIM JORDAN, Ohio, <i>Ranking Minority Member</i>
ELEANOR HOLMES NORTON, District of Columbia	JUSTIN AMASH, Michigan
WM. LACY CLAY, Missouri	PAUL A. GOSAR, Arizona
STEPHEN F. LYNCH, Massachusetts	VIRGINIA FOXX, North Carolina
JIM COOPER, Tennessee	THOMAS MASSIE, Kentucky
GERALD E. CONNOLLY, Virginia	MARK MEADOWS, North Carolina
RAJA KRISHNAMOORTHY, Illinois	JODY B. HICE, Georgia
JAMIE RASKIN, Maryland	GLENN GROTHMAN, Wisconsin
HARLEY ROUDA, California	JAMES COMER, Kentucky
KATIE HILL, California	MICHAEL CLOUD, Texas
DEBBIE WASSERMAN SCHULTZ, Florida	BOB GIBBS, Ohio
JOHN P. SARBANES, Maryland	RALPH NORMAN, South Carolina
PETER WELCH, VERMONT	CLAY HIGGINS, Louisiana
JACKIE SPEIER, California	CHIP ROY, Texas
ROBIN L. KELLY, Illinois	CAROL D. MILLER, West Virginia
MARK DESAULNIER, California	MARK E. GREEN, Tennessee
BRENDA L. LAWRENCE, Michigan	KELLY ARMSTRONG, North Dakota
STACEY E. PLASKETT, Virgin Islands	W. GREGORY STEUBE, Florida
RO KHANNA, California	
JIMMY GOMEZ, California	
ALEXANDRIA OCASIO-CORTEZ, New York	
AYANNA PRESSLEY, Massachusetts	
RASHIDA TLAIB, Michigan	

DAVID RAPALLO, *Staff Director*

SUSANNE SACHSMAN GROOMS, *Deputy Staff Director and Chief Counsel*

ELISA LANIER, *Chief Clerk and Director of Operations*

CHRISTOPHER HIXON, *Minority Staff Director*

VALERIE SHEN, *Chief Counsel and Senior Policy Advisor*

YVETTE BADU-NIMAKO, *Director of Policy and Counsel*

KRISTINE LAM, *Counsel*

AMY STRATTON, *Clerk*

CONTACT NUMBER: 202-225-5051

SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES

JAMIE RASKIN, Maryland, *Chairman*

CAROLYN MALONEY, New York	Chip Roy, Texas, <i>Ranking Minority Member</i>
WM. LACY CLAY, Missouri	JUSTIN AMISH, Michigan
DEBBIE WASSERMAN SCHULTZ, Florida	THOMAS MASSIE, Kentucky
ROBIN KELLY, Illinois	MARK MEADOWS, North Carolina
JIMMY GOMEZ, California	JODY HICE, Georgia
ALEXANDRIA OCASIO-CORTEZ, New York	MICHAEL CLOUD, Texas
ELEANOR HOLMES NORTON, District of Columbia	CAROL MILLER, West Virginia

C O N T E N T S

Hearing held on March 13, 2019	Page 1
WITNESSES	
The Honorable Cory A. Booker, Senator, U.S. Senate, New Jersey Oral Statement	5
The Honorable Doug Collins, Member of Congress, Georgia Oral Statement	7
Ms. Holly Harris, Executive Director, Justice Action Network Oral Statement	13
Ms. Teresa Hodge, C-Founder& CEO, R3 ScoreTechnologies, Inc. Oral Statement	15
The Honorable Ron Johnson, Chairman, U.S. Senate, on behalf of the Home- land Security and Governmental Affairs Committee Oral Statement	3
<i>The written statements for witnesses are available at the U.S. House of Rep- resentatives Repository: https://docs.house.gov.</i>	

INDEX OF DOCUMENTS

The documents entered into the record throughout this hearing are listed below, and available at: <https://docs.house.gov>.

- * Racial Profiling in Hiring: A Critique of New “Ban the Box” Studies, National Employment Law Project; submitted by Rep. Roy
- * Empirical Evidence on the Effects of Ban the Box Policies: The State of Literature in 2019, Jennifer L. Doleac, Texas A&M University; submitted by Rep. Roy
- * Back to Business; How Hiring Formerly Incarcerated Job Seekers Benefits Your Company, ACLU; submitted by Rep. Raskin
- * Letter from the Leadership Conference, National Employment Law Project and ACLU; submitted by Rep. Roy
- * The Effect of Changing Employers’ Access to Criminal Histories on Ex-Offenders’ Labor Market Outcomes: Evidence from the 2010-2012 Massachusetts CORI Reform; submitted by Rep. Roy
- * Ban the Box, Convictions, and Public Sector Employment, Terry-Ann Craigie, Ph.D.

THE FAIR CHANCE TO COMPETE FOR JOBS ACT (H.R. 1076)

Tuesday, March 13, 2019

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittees met, pursuant to notice, at 2:16 p.m., 2154 Rayburn House Office Building, Hon. Jamie Raskin [chairman of the Civil Rights and Civil Liberties Subcommittee] presiding.

Present: Representatives Raskin, Cummings, Maloney, Norton, Clay, Connolly, Sarbanes, Kelly, Plaskett, Khanna, Ocasio-Cortez, Pressley, Amash, Massie, Meadows, Hice, Grothman, Comer, Cloud, Norman, Roy, Miller, and Steube.

Mr. RASKIN. The committee will come to order. So everyone finish up your selfies.

[Laughter.]

Mr. RASKIN. Without objection, the chair is authorized to declare a recess of the committee at any time. This joint hearing of the Subcommittee on Civil Rights and Civil Liberties and the Subcommittee on Government Operations is on The Fair Chance to Compete for Jobs Act, H.R. 1076. I will now recognize the chairman of the full committee, Mr. Cummings, to give his opening statement, Mr. Cummings.

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

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 criminal histories of applicants until the conditional offer stage. The bill also includes important exceptions for law enforcement and national security 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 very 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 as 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 a profound concern for my constituents. I have also seen it as a concerned citizen, in 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 affects Americans of color. 70 percent of Maryland's incarcerated individuals are African American. Although African Americans comprise only 31 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 and 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. As a matter of fact, it will follow them to their graves.

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, thank God, consensus that this barrier has to come down, and that it needs to come down now. There are legislators on both sides of the aisle who are considering how we can transform lives and save money. And if we help exoffenders to truly put their past behind them, allow them to live a life that God meant for them to live.

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 couple of my republican colleagues have raised. Although this measure is largely bipartisan, a couple of my colleagues say that they are concerned that this bill can somehow hurt African Americans or others when certain racist employers discriminate against minorities who they think might have a criminal record.

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 believe would cause discrimination against African Americans. So take it from me, I support the bill, and we all should support the bill.

But now ladies and gentlemen, it is up to us. It does not 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 communities and our Nation.

We owe it to our children and to our grandchildren and to generations yet unborn. We must make lasting changes that give them opportunities of hope. We need to invest and 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 the living messengers 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 us today. I also thank the witnesses on the second panel, Ms. Holly of the Justice Action Network, Ms. Harris from the Justice Action Network, Ms. Teresa Hodge of R3 Technologies for sharing their insights with us today. And I look forward to our discussion scheduling and scheduling the Fair Chance Act for markup as soon as possible. And with that, Mr. Chairman, I yield back.

Mr. RASKIN. Thank you very much, Mr. Chairman for your powerful statement. It is now pleasure to welcome our colleagues who have come to testify, Senator Johnson from Wisconsin, Senator Booker from New Jersey, and our own Congressman Collins from Georgia. We are delighted to have all of you here to testify. We commend your bipartisan and bicameral advocacy for this important legislation.

At the conclusion of your statements, without objection, your written statements will be made—your complete written statements will be made part of the hearing record. The microphones are sensitive, so please speak directly into them. And Senator Johnson, we will begin with you.

STATEMENT OF HON. RON JOHNSON, A UNITED STATES SENATOR FROM THE STATE OF WISCONSIN

Senator JOHNSON. Thank you, Mr. Chairman. Chairman Raskin and Connolly, Ranking Members Meadows and Roy. Thank you for holding a hearing on the Fair Chance to Compete for Jobs Act and giving me the opportunity to testify on its behalf.

I also want to thank Senators Booker, Chairman Cummings, Congressman Collins, and many others who—for working with me on this legislation over the last few years.

Our founders specified three unalienable rights endowed to all by our Creator, "Life, Liberty, and the pursuit of Happiness." In comparison to life and liberty, I used to think the pursuit of happiness was more of a frivolous concept, a less important right. I no longer believe that. Life without dignity and liberty without the freedom to dream, aspire, and earn your own success would be rights with dramatically diminished value. The right to pursue happiness is therefore crucial in the fulfillment of the first two rights, life and liberty.

Few will ever truly be happy living in dependency. Work is essential in allowing to pursue happiness by providing them the dignity of earning their own success. For those reentering society after incarceration, work is the key factor in determining whether they will turn their lives around or end up back behind bars. One study showed those who maintain employment for one year post-release had a 16 percent probability of returning to prison versus a 52 percent probability for those without jobs. That is a significant difference.

A lower rate of reincarceration should result in less crime. Instead of bearing the cost of imprisoning people, communities can benefit from their contribution to the tax space. But most importantly, these individuals are not just mere statistics, they are human beings, and we should all want them to succeed in life.

The Fair Chance to Compete for Jobs Act recognizes the crucial role employment plays in transforming lives. Just because some may have temporarily lost their freedom because they committed a crime does not mean they have lost their right to pursue happiness.

My work reforming incarcerated men and women in Wisconsin has shown me the significant barriers they face putting their lives back together once they leave prison. My involvement in the Joseph Project where we connect those genuinely seeking to turn their lives around with the job opportunities throughout the state has taught me how transformational a good paying job can be. It is the most inspirational activity my staff and I have been involved in since I took office.

I fully understand the legitimate concerns employers have about offering a job to someone convicted of a crime. Many criminals will never reform and could pose a significant threat and danger to an organization. But many others who have been incarcerated realize a life of crime offers no positive future. It is those individuals and their future employers that this legislation seeks to help.

Employers who give Joseph Project participants a chance consistently tell me that they have some of the best attitudes within their organization. Having a positive attitude and making a daily commitment to succeed are the key elements of the Joseph Project's 12-hour training program. Employers who have taken the chance on these individuals have been rewarded with great employees.

The Fair Chance to Compete for Jobs Act simply provides the opportunity for an applicant to convey the right attitude and what they can contribute to an organization without being automatically excluded for consideration because of their checkered past. People do choose to turn their lives around, and society should make it easier, not harder, for them to do so.

Prior to hiring, an employer will still have access to an applicant's complete history in order to make a fully informed hiring decision. Nothing in the legislation prevents that. It is also important to note, this legislation only applies to Federal Government and its contractors. Although we do hope other employers will see its value and voluntarily adopt similar hiring policies.

Working with the Joseph Project, numerous employers from Wisconsin are already being rewarded with dedicated employees by deciding to hire individuals with criminal records. Nationally, other large employers, including Facebook, Google, Walmart, and Koch Industries have not only pledged to delay the criminal background check but have also begun hiring formerly incarcerated individuals.

My hope is that by passing the Fair Chance to Compete for Jobs Act, employers throughout America will see the value in helping people transform their lives through productive employment.

Thank you.

Mr. RASKIN. Thank you, Senator Johnson.
Senator Booker?

**STATEMENT OF HON. CORY BOOKER, A UNITED STATES
SENATOR FROM THE STATE OF NEW JERSEY**

Senator BOOKER. Thank you very much, Chairman Raskin, Chairman Connolly, Ranking Member Roy and Ranking Member Meadows. It is really an honor to be here. I am grateful that you all would invite me. Thank you for holding this hearing, most importantly. I am grateful for Chairman Cummings for his leadership on this bill. He has been an incredible friend and inspiration to me in my short time in the U.S. Senate, and I want to thank Representative Collins for his support as well.

I want to gratefully acknowledge my—the bill's coauthor with me—the lead republican sponsor in the Senate, Senator Johnson, who spoke very passionately and personally about this issue and helped us to usher this bill through committee three times. All three Congresses that I have been a senator 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 home to their communities in hopes for a second chance. But all too often, they are freed from physical bars, but they encounter, what I believe are lifetime sentences. They have, literally, 45,000 collateral consequences is what the American Bar Association refers to them as. These collateral consequences prevent them from getting opportunity. And you have to understand, the overwhelming majority of these people are nonviolent offenders. We are in a country, that there was more arrests for a marijuana possession in 2017, than there were for all violent crimes combined.

And so, for things that past Presidents have admitted to doing, things that people in the body admitted to doing, I see it out on the trail, now it is en vogue for senators to admit to doing it. Low-income, poor people, and disproportionately minorities are being targeted by a failed drug war and then face lifetime consequences for possession of drugs and other crimes.

We are a nation that believes in second chances. And one of the most difficult things that people do when they come out of prison is just—who want to work, who are dedicated to that—finding a job. The barriers for finding jobs.

Research has shown that a conviction record reduces your likelihood of a job callback by nearly 50 percent, and this is even more acutely felt by people of color who have even a less likelihood of getting a job after a conviction. The same research has found that while 17 percent of Whites with a criminal record were given a callback only 5 percent of African Americans were.

This is a reality I know. I have spent over 20 years of my life living in the community I love, which is a low-income community. The median income in my neighborhood for the last census is \$14,000 per household. And when I hear my neighbors who struggle for finding a job because of drug convictions for doing things that people on college campuses do every day. What we are seeing is a patently unfair system, and we must tear down the barriers to employment that are stacked so high against people who have done their time and now just look for hope.

In my home county, Bergen County, a father wrote me about his son who was convicted for nonviolent drug charges. But since his

rehab, he has finished high school, attended technical school, been certified as a heating and air conditioning technician, but has repeatedly been denied jobs simply because of his criminal record.

At the end of the last Congress, in a bipartisan, bicameral effort, the First Step Act, which its name suggests was just a step in the right direction, was able to be passed, 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 continued failure.

It was a Republican President Bush who said, "America is the land of second chances." And when the gates of the prison are open, the path ahead should lead to a better life. We have got a lot of work to do to realize that promise.

The Fair Chance Act allows qualified people with criminal records to get their foot in the door and be judged by their merit not by a past conviction. It allows employers to get to know an individual and ultimately make them an offer. But before that person is hired, that is when they share the criminal history.

In short, the bill would preclude the Federal Government and Federal prime contractors from asking a job applicant about his or her record until a conditional offer is extended. And, yes, an employer has the right to know whether someone is considering a job has a criminal history. But by placing that information at the end of the interview process, it allows a candidate to be judged objectively instead of their having their resume being reflexively tossed out.

This bill strikes the right balance between giving returning citizens a fair shot at finding a job and allowing employers to know who they are hiring. Now we already have a nation where 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 policies and laws to private employment. Here in D.C., after a policy was adopted, there was a 33 percent increase in the number of applicants whose records were higher which resulted in 21 percent of them, of all new hires in D.C., being people with records. It is an incredible success.

The bill is going to help break the dangerous cycle of recidivism and give people with criminal records a fair shot in a system that is still so tragically unfair. We have a lot more work to do.

But this is about our Nation's capacity for forgiveness and redemption. Are we a nation that believes in second chances or not? Are we a nation that believes a person should not be judged by the worst thing that they have done and instead, be seen as who they are. People with endless potential, not just for redemption, but for contribution in our society.

God, we have a criminal justice system that is so broken. It feeds on the poor. It feeds on the hurt. It feeds on the marginalized, the mentally ill, the addicted. Let us do something that rights the scales in our country and empowers people to succeed. Let us be about restorative justice, instead of retribution against people who often need more help than continued harm. Thank you.

Mr. RASKIN. Thank you, Senator Booker.

Congressman Collins?

**STATEMENT OF HON. DOUG COLLINS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF GEORGIA**

Mr. COLLINS. Thank you, Chairman Raskin and Ranking Member Roy and also Chairman Cummings, full committee, and it has been a pleasure to work with this, Ranking Member Jordan.

Thanks for inviting me to testify. It is good to be back into this room where I first started in Congress with Mr. Meadows and us, when we first came here bright eyed and bushy tailed ready to take on the world, and it is good to be back and see you again.

Look, I am going to be brief, because we have talked about this a lot, and you have heard about the importance of the Fair Chance Act from those senators that just spoke before me. This legislation clearly draws on broad bipartisan support, and it should. It is common sense. As it looks to build on the work that this chamber started last year the First Step Act.

I worked on the First Step Act with my friend, Hakeem Jeffries and introduced it with a belief that we can and should do better when it comes to our prison system and our criminal justice system. And I cannot think a more proud moment for me to stand in the Oval Office while President Trump signed this legislation, who bought into it and understood that people matter. Redemption matters. And a chance is what is important. And to hear the President say that and sign that was a great day.

I am committed, then, that the First Step Act was just that, a first step, and not a final step. I continue to looking for ways to work across the aisle on issues related to the justice system, redemption, and recidivism reduction. The Fair Chance Act is part of that commitment, and I am proud to be working alongside Chairman Cummings on this legislation.

The Fair Chance Act is important, both in terms of what it does, and in terms of the example it sets. The bill brings Ban the Box to the Federal Government. It prevents Federal employers and contractors from asking about a criminal history until the final stages of the interview and application process.

Too often individuals who have atoned for their mistakes and served their time are automatically disqualified or overlooked because of their record. These individuals are denied a chance to rejoin and contribute to society even though they have paid their dues.

This scenario can lead to a cycle of recidivism because an individual is unable to find work. We can do better. We can provide meaningful opportunities to those who have paid their dues who are seeking a second chance. Thirty-three states, including my home state of Georgia have Ban the Box. The Federal Government can learn from their example and their successes.

Governor Deal, a former member of this body, in Georgia, was a leader on issues like this. And much of what has been accomplished on reform efforts in Congress have been built and modeled after those efforts. The Fair Chance Act continues that effort.

It is my hope that members of this committee and all of my colleagues will look at a strong, bipartisan support of this bill already has and join this effort to reduce recidivism, strengthen communities by banning the box at the Federal level.

I made this comment to President Trump before he signed it, the bill, the First Step Act. I said, "Mr. President, many times you're gonna be presented with bills that are simply lines on a page." And hearing the echoes of the chairman of this great committee and the ranking member and others, I told him, I said, "On this bill, there are actually faces behind those lines," and we have actually seen that come true.

When we take a step of humanity, Mr. Chairman, when we take a step to looking how we can help in solid ways. Recognizing the role of our criminal justice system and those of who had made mistakes and then helping them once they get out, not diminishing the system but enhancing it. This is what this bill does, and I look forward to continued support. I thank the chairman, the ranking member, and I appreciate the opportunity to testify.

Mr. RASKIN. Congressman Collins, thank you very much. We very much appreciate your testimony and those of our now-departed colleagues, and this panel is dismissed.

Before I now turn to opening statements from the subcommittee, I just wanted to recognize that this is a joint hearing of the new Subcommittee on Civil Rights and Civil Liberties and the Government Operations Subcommittee. And this, in fact, the first hearing of the new subcommittee. So I just wanted to quickly recognize all of the members.

We have got an all-star cast on the subcommittee: Carolyn Maloney, Lacy Clay, Debbie Wasserman Schultz, Robin Kelly, Jimmy Gomez, Alexandria Ocasio-Cortez, Ayanna Pressley, Eleanor Holmes Norton. On the minority side we have Chip Roy, who is the ranking member, Justin Amash, Thomas Massie, Mark Meadows, Jody Hice, Michael Cloud and Carol Miller. And I just want to welcome and thank all of the members of the new subcommittee.

And I want to ask the clerks if they would prepare the table and ask the new panel of witnesses to come forward to the witness table during our opening statements.

At this time, I will recognize myself for five minutes for an opening statement. And again, I want to extend my warm greetings to Mr. Roy, the ranking member, and also to my Vice Chair, Ms. Ocasio-Cortez.

This is an exciting and timely hearing. The laboratories of democracy across the country have been banning the box for quite some time now. So we have a good table of experiences to draw from as we enter upon this legislation. 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 counties and cities have instituted Ban the Box in addition. Many companies, like Walmart, Koch Industries, Target, Home Depot, and Bed Bath & Beyond have embraced the policy, too. So Congress can strike a decisive blow for reentry and reintegration by enacting this policy at the Federal level.

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 start of the process, which is still taking place in too many workplaces.

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 the applicants' families and our local communities.

The Fair Chance Act includes important exceptions for sensitive positions in national security and law enforcement, and it 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 have shown that steady and meaningful employment is the most significant factor for reducing recidivism. Finding and keeping a job is the critical way for returning citizens to truly reintegrate and make contributions to society.

I look forward to hearing more about the details and the rationale for the Fair Chance Act from our witnesses as the committee plans to take up the bill at a markup as well.

I hope today will be the first of many hearings we have to advance the bipartisan cause of a fair and just criminal justice system.

I also want to thank Teresa Hodge from Baltimore, Maryland for her tireless advocacy in Maryland to help people with criminal histories successfully get back on their feet and into society. Enduring prison, going to prison and being released and building bridges to success, not only for yourself but for other people is a powerful testament to the potential that this legislation has.

There are still way too many people that have paid their debt to society but are never been given a fair chance to work in dignity again. So I look forward to hearing how this legislation will help.

And with that, I will turn to Mr. Roy, and I recognize the gentleman for five minutes.

Mr. ROY. Thank you, Mr. Chairman. I appreciate that. Thank you very much for holding this hearing on this important subject. I applaud you for making this issue the first that we are going to cover in this Congress. I appreciate you doing that. It is an important issue. I would like to thank the witnesses for being here and each of your devotion of your life to this important issue, and I look forward to hearing from you.

I think it is safe to say that everyone in this room wants those in our society who have committed crimes to be rehabilitated back into the community and live a law-abiding and productive and fulfilling life.

The chairman and panel may not know, I was formerly the Vice President of Strategy of the Texas Public Policy Foundation where we had Right on Crime as a core component of that institution's purpose. I was proud to work with those individuals as we have advanced, you know, policies to change, both in Texas and now at the national level.

A huge part of reentry success is gaining and maintaining employment. There is dignity in work. Employment is part of the rehabilitative process. Think about the challenges such a person faces as they seek employment, especially those who were recently incarcerated. You need clothes for an interview, proof of identification. You need to find transportation to get to an interview. You

need to know what to say when you get to the interview, and eventually, you will be faced with the dreaded question, "Have you been convicted of a crime?"

And this is the issue we are examining today. And it is a tough issue. And, again, I applaud this committee for putting this issue front and center. I do have some concerns that I think we should address and look forward to hearing about today.

The chairman mentioned some of those concerns earlier, Chairman Cummings, about, you know, some of the issues that have been raised in the past. And, you know, one of those is pointing to the question of hiring people with convictions, and this policy may not actually advance the cause that I think is being purported to advance, and that is something that we will address today.

And, you know, why do I say that? Because there is some evidence that suggests that this bill may run afoul of the goal based on some of the studies and the history that people have looked at.

I ask unanimous consent to enter into the record, written testimony provided for this hearing by Texas A&M Professor of Economics, Jennifer Doleac.

Mr. RASKIN. Without objection.

Mr. ROY. Now, I say as a University of Texas School Law graduate, I say that with some hesitation, right, this is an Aggie's report. And I say that as I am married to an Aggie, so I am going to get in trouble back home.

But this is an important study. It is an important review of the record. And I think it was done from an objective, non-biased view by this professor. I think it is important for the discussion on the record.

Professor Doleac's testimony reviews the empirical evidence on policies that prohibit employers from asking job applicants about their criminal records. And that evidence shows that these policies may not actually increase employment for people with records. And in fact, the evidence suggests it may actually reduce employment opportunities. Additionally, it may reduce minority hiring overall and disproportionately hurting young African American men who have no criminal record.

I would also ask unanimous consent to enter into the record, a May 15, 2018 letter from then-Chairman Gowdy to the Government Accountability Office. This letter reads, in part, "Given the goal of improving employment outcomes for those with criminal records, we would like GAO to examine whether the Federal Ban the Box initiative is achieving its intended purpose and determine whether there have been any observable changes in the hiring of individuals with criminal histories attributable to this initiative."

So without objection, I would like to put that in the record.

Mr. RASKIN. Without objection.

Mr. ROY. And Ranking Member Jordan recently requested that GAO continue to pursue this effort. I think we should analyze the current Federal policy, determine if it is effective and then legislate to appropriate, based on evidence.

The only last thing I would point is, there are a couple of questions that I think is important for us to look at. You know, why should an employer spend time and resources interviewing individuals who should not be hired, if you know that. And if you had that

information, you might know it from the get-go. I just think that is an important thing to review.

One might hypothetically ask, you know, if I am particularly in charge of hiring someone to be in charge of, you know, tax collections and enforcement at the IRS, would I really want to hire Michael Cohen, for example, based on his recent running afoul with the IRS. I think that would be a reasonable question to ask if you knew that right out of the gate.

And then there are other methods to consider regarding statute of limitations. Are there ways to deal with this in a slightly different way, or sort of a partial ban the box?

I look forward to hearing information on those. These are challenging issues, and I thank the chairman for having the hearing. I thank the witnesses for being here, and I look forward to learning more about how to help more people with criminal records find work success and lead crime-free lives, and I yield back to the chairman.

Mr. RASKIN. Okay, I now recognize the Ranking Member of the Government Operations Subcommittee, Mr. Meadows of North Carolina, for five minutes for an opening statement.

Mr. CONNOLLY. Thank you, Mr. Chairman.

Mr. RASKIN. Well, are you ready—

Mr. MEADOWS. I yield to the Chairman of the Government Operations.

Mr. RASKIN. You know what, we recognize Mr. Connolly of Virginia for five—I was just giving you a second.

Mr. CONNOLLY. I forgot, we are called chairmen, now. He is the ranking member. I just automatically—sorry.

Mr. RASKIN. All right, we will let Mr. Meadows go. We will give Mr. Connolly a minimum—

Mr. MEADOWS. I will be very, very, very brief. I want to thank the chairman and the ranking member of the Civil Rights subcommittee. Obviously, my good friend, Mr. Connolly, the chairman of the full committee, Mr. Cummings, who articulated exactly why this is such a critical issue.

I am probably one of the few Members of Congress in the private sector that has actually hired those that have been convicted and incarcerated and actually hired them to work for me in the private sectors, and it has been a very rewarding [experience]and truthfully, [they were] some of the best employees that I have had.

I must admit, that when I did it, it was with great fear and concern. Not necessarily for myself, personally, but from the attorneys that actually represented my corporation. They said, “Are you crazy?” You know, “What are you doing? The liability, the potential liability.” And so, I think that this is a good second step. It should not be the final step. We should answer some of the difficult questions that we have, and I look forward to working in a bipartisan way.

Look forward to hearing from both of you and with that, I yield back.

Mr. RASKIN. Mr. Meadows, thank you for your always-thoughtful comments. And now we turn to Chairman Connolly.

Mr. CONNOLLY. I thank my good friend, Mr. Raskin. And again, I am going to have to use to this chairman thing.

Mr. RASKIN. Hopefully not for too long.

Mr. CONNOLLY. Been a while. So forgive me. This is a really important subject, and it is quite striking that 33 states and 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.

And in Washington, DC. alone, that Ban the Box policy has resulted in a 33 percent increase in employment for the formerly incarcerated.

In November 2015, President Obama moved to implement a Ban the Box policy across the Federal Government. And that was clearly intended to encourage more individuals with requisite knowledge, skills, and ability to apply for Federal positions.

I happen to believe more can be done to help ex-offenders find employment. Federal contractors, for example, are a great example. They play an important role in supporting Federal operations. New York University professor Paul Light estimates that among the 40 percent or 3.6 million of the 9 million individuals who comprise the Federal work force are contract employees.

And as I have said often, the Federal contractor does work shoulder to shoulder with Federal employees. Sometimes even performing this very substantially similar task, which, by the way, is a problem in terms of equity after a shutdown. Because we pass laws to make sure our Federal employees are kept whole, but their Federal contract counterparts are not. Even though they may be working in the same office, cubicle by cubicle, doing the same work.

And so, similarly, I think we have some real opportunities in expanding Ban the Box to Federal contract employees and would very much be interested in hearing testimony today about that as well.

So thank you, Mr. Chairman. We are delighted to join you in holding this hearing. And thank you, Mr. Cummings, especially for your vision on this subject. [It] was very much appreciated.

I yield back.

Mr. RASKIN. Excellent, thank you very much, Mr. Connolly. Now I want to briefly recognize Congressman Massie to introduce the witness from his home state of Kentucky.

Mr. MASSIE. Thank you, Mr. Chairman. It is my pleasure and my honor to introduce Holly Harris, the Executive Director of the Justice Action Network. She was born and raised in Kentucky, and she has done a lot of great work there. She previously served as a litigator at the Justice Cabinet and in senior leadership roles for Kentucky-elected officials. In fact, it was there, that we worked together on the industrial hemp issue, and we succeeded. She did a great job there in Kentucky for us.

Now she is the Executive Director of the Justice Action Network, which has gone from a three state presence to a 17 state presence, and I want to thank you, Ms. Harris for your passion and leadership on these issues and other issues that matter to the people of Kentucky and the people of this entire United States.

Mr. RASKIN. Thank you very much. Will the witnesses please rise?

[Witnesses sworn.]

Mr. RASKIN. Let the record show the witnesses have answered in the affirmative. Thank you and please be seated. The mics are sensitive, so please do speak directly into them.

Without objection, your full written statements will be made part of the record. And with that, Ms. Harris, you are now recognized to give the verbal presentation of your testimony for five minutes.

STATEMENT OF HOLLY HARRIS, EXECUTIVE DIRECTOR, JUSTICE ACTION NETWORK

Ms. HARRIS. A miracle of technology. Again thank you, Chairman Raskin, Chairman Connolly. Thank you, Representative Massie. I want to thank all the members of the committee for inviting me to be here today.

Again, my name is Holly Harris. I am the Executive Director and president of the Justice Action Network. We are the largest bipartisan organization working at both the Federal and state levels to make our justice system fairer and more effective.

The Network is a relatively young organization. We launched in 2015 and started with three target states. We are now built out in 17 states across the country in which we have helped to pass more than 70 pieces of significant criminal justice reform legislation.

At the Federal level, we were honored to support and serve as a bipartisan convener for many of the organizations and lawmakers that work to pass the First Step Act. And if it is Okay, I would like to just immediately, right off the top address some of the questions that you had, Ranking Member, Roy.

You did reference a study or some testimony that talked about how, potentially, Ban the Box could exacerbate racial disparities, and I think it is really important to note that the Leadership Conference on Civil and Human Rights and Chairman Cummings and Teresa Hodge with JustLeadershipUSA and some of the most important civil rights voices of my generation are zealous supporters of this policy, and I think we ought to be deferring to those voices on what is best for minority communities and at-risk populations.

In addition to that, I also want to address your point that, you know, that employers may waste their time by interviewing folks who may ultimately not be eligible for a job. And I will tell you what we hear from employers, and I will tell you, it is really critical in my home state of Kentucky, there is a real dearth of skilled labor out there.

And what we hear from employers is that they are desperate for workers. And so, quite frankly, they are excited about seeing the Federal Government take this move, because it will empower them to do the same.

With that, I will move on with my testimony. For many of those reasons, Fair Chance hiring or Ban the Box, as most people refer to it, actually tops our list of legislative priorities. And it has a vaunted place among our state legislative victories, because it was the very first bill that we helped to pass in the states.

House Bill 56 in the Battleground state of Ohio passed with near unanimous support on both sides of the aisle, in both chambers at the close of 2015, the year that we launched the Network.

Since then, we have successfully urged implementation of Ban the Box in Arizona, Louisiana, Oklahoma, Pennsylvania, Indiana, and in many of your home states. And not to play favorites, but I will start with the Commonwealth of Kentucky.

Representative Massie, in our very first meeting with Kentucky policymakers in 2016, we urged executive action on Ban the Box and in 2017, the policy was implemented. Thanks, in no small part, to some members of Kentucky's Federal delegation, you, Senator Rand Paul, Congressman Yarmuth, getting the hemp ban back together again. There were pioneering voices in criminal justice reform in our home state.

Another great Commonwealth representative on this committee, Massachusetts became one of the first states to pass Ban the Box by legislation back in 2010. Chairman Raskin, your state legislature in Maryland was next, banning the box for public employment in 2013. That same year, Illinois Governor issued an executive order banning the box for Government employers. And the following year, the state legislature passed an even more expansive version.

In 2014, the District of Columbia banned the box for public and private employers. Congressman Hice—I saw Congressman Hice earlier. I had the honor of meeting Governor Nathan Deal, who previously led your home state of Georgia. As you well know, Governor Deal was a national leader in all areas of criminal justice reform policy. He even got a unanimous vote on sentencing reform in Georgia, which is pretty unheard of. But he implemented Fair Chance hiring by executive order in 2015.

Chairman Connolly, that same year, Virginia's Governor also signed an executive order also banning the box and shortly thereafter, Representative Ocasio-Cortez, the New York legislature did the same.

The very next year, in 2016, Wisconsin banned the box for government jobs and just a week later, Missouri followed suit implementing Fair Chance hiring for public employment. The California State Assembly passed Ban the Box, for public and private employers in 2017. And in 2018, Michigan, banned the box for government jobs by executive order. Finally, and not to be outdone, the legislature of the U.S. Virgin Islands, banned the box for public and private employers in November that same year.

Other witnesses today have cited to data that a job can be the greatest deterrent to returning to a life of crime. Others will share their compelling stories of the consequences of a criminal record, not just on themselves but on their families and on their children. My role here is to remind everyone that we are not reinventing the wheel with this legislation. We are simply asking Congress to catch up to what is happening in their own backyards.

All in, 33 states, diverse in population, geography, and political ideology have implemented Fair Chance hiring policies that, at the very least, ensure people with records have an opportunity to get their foot in the door and present their skills and qualifications before they have to disclose their criminal histories.

At a time when some studies show that as many as one in three, or in three American adults have a criminal records, we simply

cannot afford to exclude this population from employment opportunities.

And as a woman who hails from Kentucky, a state that has been ravaged by the drug scourge, I can tell you that we are not ready to throw in the towel on our friends and our family members who are struggling to overcome addiction, who have made mistakes but simply want a chance to get back on their feet, support their families, and be productive members of society again.

Mr. RASKIN. Ms. Harris, let me stop you there, and you will get a chance, during questioning to offer more thoughts.

Ms. HARRIS. Yes sir.

Mr. RASKIN. Thank you for your excellent testimony. Ms. Hodge?

**STATEMENT OF TERESA HODGE, CO-FOUNDER & CEO, R3
SCORE TECHNOLOGIES, INC.**

Ms. HODGE. Thank you. Good afternoon, Chairman Raskin, Ranking Member Jordan, Ranking Member Roy, and members of this committee.

I am Teresa Hodge, and I am testifying today on behalf of JustLeadershipUSA. And the millions of formerly incarcerated and convicted people in the United States. JustLeadership is a national nonprofit, dedicating to cutting the U.S. corrections population in half by the year 2030. Led by directly impacted people, we believe that those closest to the problem are closest to the solution but furthest from the resources and power.

For this reason, JustLeadership works to ensure the directly impacted people are at the center of the criminal justice reform efforts, because we have the most relevant expertise and the most to gain from such reforms. I applaud this committee for recognizing this and inviting me to testify today.

For those of us who have been incarcerated and convicted, we hold a similar truth. We know we are better than our worst mistake. We are people who can do and make positive contributions to this country but countless stigmas and structural barriers impede our success.

One of the most harmful of these barriers is the consistent discrimination we face when pursuing jobs. Today, more than 70 million adults in this country have a criminal record, and we confront more than 46,000 laws and statutes that hinder our success, including access to gainful employment.

The Fair Chance to Compete for Jobs Act is a critical step toward eliminating discriminatory barriers. By codifying important legal protections, you will provide millions of people a fair chance to compete for employment in the Federal Government.

By delaying any discussions of a person's criminal history record until a conditional offer of employment is extended, we allow all individuals to compete for the positions based on their talent and skills.

To date, 33 states and more than 150 municipalities have already enacted these laws. Now Congress can join their ranks and quicken the elimination of these harmful, discriminatory practice that continue to ruin millions of lives.

A growing body of evidence, coupled with the bipartisan of the Ban the Box policies throughout the country attest to the effective-

ness of Fair Chance hiring policies. My story and my voice speaks to the depth of the problem and humanizes the pain that millions of Americans face.

On August 3, 2011, I was released from Alderson Federal Prison Camp. I had imagined this day for the entire 70 months of my Federal prison sentence as a first-time, white-collar, nonviolent person. I went to prison at the age of 44 years old. With more than 20 years of professional work experience that included an H.R. background as well as social entrepreneurship, I was confident that I could return home and be a valuable asset in the workplace again. Yet, all of this did not take away from the fact that as a former H.R. professional, I was familiar with the training that often leads to immediate disqualification of anyone with a criminal record if that information is readily available.

I know that meaningful work brings dignity to one's life. It was with this knowledge that prior to leaving prison, I began reaching out to my network for a job. A former colleague hired me. I was able to start working days after my release from prison.

A year later, I was searching for greater meaning to my own prison journey. I wanted to launch a nonprofit alongside my daughter that would help people with criminal records pursue entrepreneurship as a means to become self-sufficient. I looked to my professional network for a part-time job that would allow me the flexibility to start a nonprofit.

I was induced to an opening found online by a friend. However this time, I did not have an introduction into the company. After my initial read, I knew I was qualified for the position, and I began applying online. I put my name, my address, my phone number, and other very basic information into the system. And then the question appeared, "Have you ever been convicted of a crime?" I took a deep breath, and I said, "yes." I hit enter, and I will never forget what happened. The screen went black and a message appeared, "Something you said disqualified you for this job."

The answer was glaring. It was not my name or my address. It was the fact that I had said yes. I was disqualified for the opportunity before I even had an opportunity to apply.

I do not believe I will ever forget that experience. At that moment, I became aware of the level of discrimination that I could face for the rest of my life when applying for a job.

There is nothing on its own that will alleviate the centuries of criminalization, but enactment of the Fair Chance to Compete for Jobs Act offers a starting point. Removing this box does not ensure that every person with a criminal history will get a job. But it will give those who apply a fair chance.

I urge this committee and Congress to pass the Fair Chance to Compete for Jobs Act. Millions of Americans and their families are counting on you. I also believe, just knowing you have a fair chance to employment is essential to the success of reintegration and will reduce recidivism.

Thank you for this opportunity to testify.

Mr. RASKIN. Ms. Hodge, thank you very much for your testimony. And I would like to thank both of the witnesses for their testimony today. And I am going to pass myself. So I am eager to get questions from all of the members, and I turn it now over to the Rank-

ing Member, Mr. Roy, and I just learned from a friend of yours that you were actually born in Bethesda, Maryland.

Mr. ROY. I did not campaign on that fact.

Mr. RASKIN. So—well, you are always welcome. So all is forgiven. Come on home, Mr. Roy. All right, Mr. Roy.

Mr. ROY. Happy to go, actually the chairman wants our side to go ahead and go first.

Mr. RASKIN. No please, please. I am eager to get to the—

Mr. ROY. I will yield to the gentleman from Kentucky. I believe he has a question.

Mr. MASSIE. I have several questions here today. So you announced an impressive array of states that have implemented Ban the Box in their state legislatures. Do we have enough of a record yet to know whether this policy works or does not work, and if there are ill effects? What kind of record do these states have that have done it long enough to have some data?

Ms. HARRIS. Well there is a lot of research out there actually—to your point—the states need to be passing better data collection bills, and we are working on that, too. But there is a lot of data that shows the connection between having a job and recidivism rates.

And I believe some of that has been referenced in the testimony from our friends at Freedom Works that was submitted into the record. And then also from the Leadership Conference on Civil and Human Rights. But basically, a job is the greatest deterrent to returning to a life of crime.

And so, you know, to us, to our organization and the groups from the far left to far right that support this policy, it is not just about providing second chances, which is great. It is not just about ensuring that employers can find good workers. It is also about ensuring public safety, which you cannot put a price on, so.

Mr. MASSIE. How do you get over the fear that, obviously, employers would have that if they hire somebody with a criminal background and they have not done their due diligence and then something bad happens related to that criminal background that they would be liable for the actions of that employee or that their hiring process would be, you know, looked at in a bad way by a jury?

Ms. HARRIS. Well I can tell you we do not hear that, again, from employers at all. In fact, again, it is a desperation for workers that we hear. That is why the Homebuilders Association, The automobile manufacturers and so many others have joined in the fight for criminal justice reform, because they simply cannot find workers.

I will tell you that my home state of Kentucky is moving forward on an expungement bill today that can address some of those concerns employers have, and I would sure love to see that happen at the Federal level as well.

Mr. MASSIE. Let us see, I think it was Mr. Roy brought up the point, what was your point, Mr. Roy, on the—

Mr. ROY. I am sure it was a really good point.

Mr. MASSIE. Yes, I am trying to remember what it was. Oh, what about, and this is my concern, too, if people are not allowed to ask the question about prior criminal conviction, there is a concern that

they may replace that question in their mind with some indication, maybe race of the applicant. And that, this, you know, people have objected that maybe this could result in more bias in the hiring process if we do that.

Now, I do not personally subscribe to that. Like I do not know if the data shows that, but what do you say when you are asked that question?

Ms. HARRIS. Again, I defer to my good friend, Ms. Hodge to her organization JustLeadershipUSA. Also to great leaders like Chairman Cummings and also the Leadership Conference on Civil and Human Rights.

Mr. MASSIE. Let me ask you this—

Ms. HARRIS. I was going to say—

Mr. MASSIE. If you will defer to Ms. Hodge, do you have that concern that somebody who is not allowed to ask about their criminal record, may instead, substitute their own personal biases in that application process? And thereby, result in more discrimination?

Ms. HODGE. That is not a concern of individuals who have arrest or conviction records. The concern that we have is just an opportunity to compete.

The example that I gave of applying for an opportunity, I did not have an opportunity to even apply for that particular job. So in this case, what we are looking for is just a fairness in an application process. Between eight and nine employers run criminal background checks. And so, we are not trying to hide information. We just want to get a little bit further in the process so that we have an opportunity to be seen and to state our case of who we are in this moment.

Mr. MASSIE. To be clear, I support this legislation. I think it is great idea. I think that the concerns need to be addressed. That we have to have answers to these, because when this ultimately does come for a vote, we are going to have to debate this on the floor. So I am glad to hear your testimony here today. I think it does support the fact that we need this bill and that taxpayers would benefit.

And it is not just about benefiting the people who are applying for the jobs. It is that taxpayers actually benefit from the resources that those people can bring to the job that are being denied right now because of the box that they have to check. So I yield back my time, Mr. Chairman.

Mr. RASKIN. Thank you very much. Okay, before I yield to the Chair of Government Operations, Mr. Connolly, I just want to state for the members, we are following the rule which Chairman Cummings has decreed for questioning.

So we will go to the chairs first, then we will go in order of seniority by virtue of the people who were here when the gavel came down. So if you want to speak, you have got to be in your seat.

You were. I see you looking at me, Ms. Kelly. But our staff has kept careful records. So, you know, do not travel until you hear the gavel. That is the rule. I was the first victim of this rule. And so, I learned it well. But you actually learn something listening to everybody. Mr. Connolly, I come to you.

Mr. CONNOLLY. Mr. Chairman before you defer to me, and I thank you. I just want to make sure, does Mr. Cummings wish to go?

Mr. CUMMINGS. I am going to be very brief.

Mr. CONNOLLY. Why do we not defer to Mr. Cummings?

Mr. RASKIN. Oh very good, then I come to the chairman. Mr. Chairman?

Mr. CUMMINGS. Ms. Hodge, is it Ms. Hodge?

First of all, I want to thank you for your journey.

Ms. HODGE. Thank you.

Mr. CUMMINGS. I think a lot of people do not realize how difficult it is when someone has a record. Some of my constituents were telling me during the recent shutdown that they finally got a chance to be even more empathetic to folks who are going through coming out of prison or with a record, because they, themselves were faced with a situation where they had no paycheck and could not and did not know when they were going to get one. But at least they knew they were going to get one.

On the other hand, we have people with a record who have no way out. Am I right?

Ms. HODGE. Yes sir.

Mr. CUMMINGS. I cannot hear you.

Ms. HODGE. Yes sir.

Mr. CUMMINGS. And so you said you have children?

Ms. HODGE. I do. I have one daughter, and I have a grandchild.

Mr. CUMMINGS. And tell us a little bit more about your journey. And so you came out of prison. You had already made preparation to get a job?

Ms. HODGE. Yes, I did. I was fortunate enough to have a strong network, and I took good skill sets with me to prison. And as a result of that, I was able to reach into my network. And it was people who believed in me and who knew me as a person and knew that I would be qualified for opportunities, but that is not the case for most people.

Mr. CUMMINGS. Right. And we have a situation today—I do not think people really fully understand the volume of African American people who are locked up for offenses like dealing with marijuana and things of that nature, nonviolent. While at the same time, they can go to Colorado and watch people buying the same drug or whatever you want to call it, and it is no big deal.

And the lives—a person who then goes who has that record cannot get a job. Family, a lot of times, is not there for them. I mean what do they do? What are they supposed to do? I mean, do you have any suggestions?

Ms. HODGE. The best thing that a person can do is—

Mr. CUMMINGS. Yes.

Ms. HODGE [continuing]. get a job. Most people who I met in prison and individuals who came home right after being incarcerated, what they wanted more than anything was to be productive members of society. They wanted to have a job. While I was imprisoned, women were dreaming of being able to go home, walk their children to school, and have jobs. And they wanted to be productive. And so, the best thing that individuals can do is access jobs. But without a job, then people are returning to under-resourced

neighborhoods and communities and are returning back to what is familiar.

Mr. CUMMINGS. Now Ms. Harris, this whole question of worrying about whether the person—will you be able to trust them and all that kind of thing. What we are dealing with is, this person comes in, maybe does an interview and you are trying to just make sure that they get maybe past the initial steps. Is that right? Am I missing it?

Ms. HARRIS. Absolutely and ultimately once a conditional offer is made, then there can be discussion of criminal history. But I would like to say, and of course, this is anecdotal. I mean, from the employers that we talk to, and we talk to quite a lot of them, who hire individuals with records, they say that these individuals are their very best employees, and they are so grateful for these jobs.

They are the first to be at the door in the morning and then they are the last to leave at night. And so, again, all we ever hear from employers who have implemented Fair Chance hiring practices is just how well it is working for them.

Mr. CUMMINGS. I have found that just to be the same thing. I found that to be the case. As I close, and at Johns Hopkins, I remember, not long ago, I went—drove up there and these guys jumped out and they were like the Secret Service.

[Laughter.]

Mr. CUMMINGS. No, seriously, seriously. I was very impressed. They were dressed in bowties, and they were sharp. They had little wires in their ears and stuff. And so I said, “Who are these guys? They are so polite.” And come to find out, all of them were former inmates. They had formed a firm and had been hired by, probably the No. 1 hospital in the world, Johns Hopkins. So I just—the idea is to give people a chance so that they can then go forward and do for their families.

Mr. Chairman, I thank you for your courtesy, and I yield back.

Mr. RASKIN. Thank you very much, Mr. Chairman. I come now to the gentleman from Georgia, Mr. Hice.

Mr. HICE. Thank you very much, Mr. Chairman and I, likewise appreciate this hearing and the heart of everyone up here. And to both of you, thank you for your work, and we are grateful for your presence.

Ms. Harris, I appreciate you giving a shout-out to Georgia and what has been done there. I know there are a lot of other states that are doing great work in this area as well. But Governor Deal and my colleague, Doug Collins have been tremendous leaders, and it is an honor to work with them.

We have got some 70 million individuals that have a criminal record in this country. That is an enormous amount, even compared to other countries. And, you know, obviously this is something that we have got to address, and so I am glad that we are.

The question, obviously, is these people need some sort of opportunity after they have served their time so they do not go back into the same cycle. And I know that is why we are all here. And from studies that I have seen, those who are released from prison who stay unemployed are three times more likely to return than are those who are making even \$10 an hour. So the opportunity here is great.

One of my concerns has been brought up, and I want to bring it back up. And if both of you could kind of answer quickly. I do not have too many questions, but I want to get both of your responses.

Since the Office of Personnel Management has implemented the Ban the Box policy, the question is, out of the gate, have we seen an increase of hiring people with convictions? Either one of you, both of you.

Ms. HARRIS. I can just share, that again, there is a lot of data that is still missing from states.

Mr. HICE. So we do not know?

Ms. HARRIS. But I will tell you this. I will tell you this. I have experience in hiring in state government, and here is the way it works. You know, we open the floodgates—

Mr. HICE. I want to go quickly, because I have got some things—my question is, have we seen, definitely, an increase in hiring people with convictions? Or do we not know?

Ms. HARRIS. I have not seen data that shows that.

Mr. HICE. Okay, Ms. Hodge?

Ms. HODGE. I have not seen data. I know that we have reported that in the District of Columbia employment for individuals with records has gone up by 33 percent.

Mr. HICE. Okay and that is a fantastic number, my friend. But Chairman Connolly mentioned that, and I think that is fantastic. Great record. I would love to see that across the board, but at this point, from the GAO, we do not have that kind of information.

The study came out from Professor Jennifer Doleac, whatever her name is. I hope I pronounced that properly. Are you familiar with that study reference? You are?

Ms. HARRIS. Yes.

Mr. HICE. Okay, does it concern you?

Ms. HARRIS. No.

Mr. HICE. Okay, does it concern you?

Ms. HODGE. No, it does not.

Mr. HICE. Why not?

Ms. HODGE. The crux of the study talks about Ban the Box is not a cure-all, and we agree, that it is not a cure-all. It is a good first step when we are looking at employment. And the study looks at discrimination and the study focused on African American men as a whole around employment opportunities.

Mr. HICE. Okay, the question that does concern me is again that we do not have any evidence, no empirical evidence that Ban the Box legislation increases employment. That does kind of concern me. That was the result of the study. Let me ask you this. Moving on from there, another underlying issue that I think we are all trying to tackle is employers seemingly reluctant to hire people. Does this legislation change that at all?

Ms. HARRIS. Well no, if we are talking about private employers, there is no private employer mandate in this.

Mr. HICE. All right, that was going to be my next step.

Ms. HARRIS. Sure. Yes but, of course, Mark Holden at Koch Industries talks about this all the time. I mean, if you do not want to adhere to this policy, then do not do business with the govern-

ment and provide services that are paid for by the taxpayers. And so, I think it is quite simple.

Mr. HICE. Okay. Ms. Hodge, you want to add anything to that?

Ms. HODGE. No, I agree with everything that Ms. Harris has indicated.

Mr. HICE. Okay, let me ask one last question, and we may not have an answer to this. We know unemployment, right now, is about 3.8 percent. Do we have any records as to how many of that unemployment are individuals with records?

Ms. HARRIS. I am not aware of that number, but I can certainly—

Mr. HICE. Is there any way we can get an answer to that? I would really be curious to know how many among our current unemployed in this country have records.

Ms. HODGE. Probably the National Employment Law Project is the leader of data concerning unemployment for individuals with criminal histories. They have conducted long-standing studies and are the leaders of Ban the Box.

Mr. HICE. Would you try to get that for us?

Ms. HODGE. Yes sir, we will.

Mr. HICE. Thank you very much.

Mr. RASKIN. The gentleman's time has expired. Thank you very much. Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman. And welcome, to our panel. Ms. Hodge, you may know this, but as I understand it, an estimate one in three adults in America has a criminal record that will show up in a routine background check. Is that your understanding?

Ms. HODGE. Yes sir.

Mr. CONNOLLY. That is astounding.

Ms. HODGE. It is.

Mr. CONNOLLY. And if they all go through the experience you did, in that interview, where the screen goes black. You said something that disqualified you—that disqualifies potentially a third of the entire American work force—adult work force.

Ms. HODGE. Yes sir.

Mr. CONNOLLY. Astounding. Ms. Harris, there is now guidance with respect to formerly incarcerated individuals by OPM for those seeking direct employment with the Federal Government. Is that correct?

Ms. HARRIS. Yes sir.

Mr. CONNOLLY. And has it had a positive impact, from your point of view?

Ms. HARRIS. Yes, there is positive data that we have seen. And I also want to share, you all, this is some good common sense. And I can tell you that as—

Mr. CONNOLLY. My time, Ms. Harris. Do not jump ahead.

Mr. MEADOWS. But I like her accent, Mr. Connolly.

[Laughter.]

Mr. CONNOLLY. Great accent and great point you are making, but hold on. So that guidance which is working pretty well on the direct Federal employment side. Is that guidance extended to those who are seeking to be Federal contract employees? Working for a private contractor with an account with the Federal Government?

Ms. HARRIS. I am not aware of that. I do not think so.

Mr. CONNOLLY. Perhaps the answer is no?

Ms. HARRIS. I am not quite sure. I am not quite sure.

Mr. CONNOLLY. So it does not apply. And here is the thing. So we have a total Federal work force of about nine million. Of which, 40 percent is private contract employees, 40 percent. So if my math is correct, that means we have got 5.4 direct Federal hires and 3.6 million contract hires.

And in many cases, those contract employees are embedded with the Federal employees. So at the same agency in the same room, same office, you know, sharing cubicles, we got a Federal employee, we got a contract employee doing the same work. But they are not treated the same way. So when there is a shutdown, the Federal employee might be reimbursed—is going to be reimbursed, but the contract employee is not.

And likewise in the case of looking at former incarceration as a factor of employment we are providing relief at the Federal employment level but not necessarily at the contract level. And different companies may have different policies. And I assume from your point of view that would present a problem if we have sort of a potpourri of approaches as opposed to a uniform, standard policy.

Ms. HARRIS. Not if we pass this legislation.

Mr. CONNOLLY. What is that?

Ms. HARRIS. We will not have the problem.

Mr. CONNOLLY. You are jumping ahead again, Ms. Harris. We are trying to work through the case, here. But okay. So maybe legislation is necessary, you are saying?

Ms. HARRIS. It is necessary, yes.

Mr. CONNOLLY. It is necessary, and are we not lucky that Chairman Cummings has a bill that we can all consider getting on the help us with this. And that bill, inter alia, would include mandating agencies to keep data. Is that correct, Ms. Hodge?

Ms. HODGE. Yes.

Mr. CONNOLLY. And that data could then give us sort of a statistical base for GAO and others from which, Mr. Hice's question, would have some statistics that would be helpful in guiding us in terms of how policies are working or how they are not. And to incentivize agencies to do the right thing that Ms. Harris is advocating for and so are you.

Ms. HODGE. Yes sir.

Mr. CONNOLLY. Are there states, you know, you went through a long list of states, thank you, Ms. Harris, but is there sort of a benchmark where it is really working and working well and we can look to and go, "There is the model."

Ms. HARRIS. We have literally never had a state, certainly not the ones that we have been a part of helping to implement the Ban the Box policy and that would be, again, Louisiana, Oklahoma, Indiana, Kentucky. We have literally never had any policymaker from the far left to the far right complain about implementing this policy. And in fact, it has been just the opposite, so. I will say, though, there is dearth of data that is available in the states. And sometimes that is what is difficult in determining, you know, how far reaching this policy is.

Mr. CONNOLLY. I just want to say, in closing, and thank you both. You know, this is sort of an across-the-board thing we have to look at. Policies of incarceration, Mr. Cummings has talked about that already, is just inherently unequal. And not a fair system of justice. Then the consequences of having been incarcerated, including the restoration of voting rights.

In my state, it required the scent of the Governor, because the legislature would not do it. Physically designed the restoration for 170,000 individuals, one by one. That is what it took. And now we are looking at hiring practices. So we have got a long way to go in terms of making sure justice is blind. And that once somebody has served their term, they have opportunities in this society.

Thank you, Mr. Chairman.

Mr. RASKIN. And thank you, Chairman Connolly. I come now to the gentleman from South Carolina, Mr. Norman.

Mr. NORMAN. Thank you all for appearing. Let me give you a different point of view. I am from the private sector. We are contracting company. We have done government work, but we mainly do private work now. And as I understand, Ban the Box would not run—would not be required—for private work.

We have done a lot of hiring with people who have been incarcerated. One of my best carpenters was a person who had a drinking problem. He killed a 13-year-old from drunk driving, not once, but twice. And he told us. Had I not been able to find out, no, I would not have hired him. The fact that I did find out gave me that lever to, if he ever got off the wagon, I would know it.

Second, I hired another carpenter who had been in prison for 30 years, drug abuse. Great worker for a while. I hired him. He told me. And most of the workers who had criminal records were eager to tell us, for some reason. He went back to cocaine. I could sense it, because we could watch his change in personality.

The third person I had, had a cocaine problem. Had been in and out of prison. Got back on it. I called him in. I said, "I can't keep you on." He said, "Why?" I said, "Let me ask you. You're the best motor grader driver I have, any piece of equipment. How is that going to protect that family when you get high and run off the road?" He is now at a Federal job with waving the flag on the highway, which is the only Federal job he could get, waving a job. I was paying him \$30 an hour. He is down to \$12 now.

Why I would take—Ms. Hodge, help me understand. I would take the tact as almost discriminatory against that person not to know the background, because if the person I just described was able to go to a Federal job and get on a motor grader or a D7 tractor and run over through a house, tell me what I am missing.

Ms. HODGE. Congressman, first thank you for those stories. The process is not to keep the information from an employer. It is just to delay it a little bit further in the process. In addition, again, eight out of nine employers run criminal background checks. And so this information will be disclosed. I think the point that you were making where you had an opportunity to meet the individuals. They were able to tell you their stories, to tell you about their mistakes, and you had an opportunity after having that human connection, to make a decision as an employer.

I think that is what we want to continue to happen. We are not looking for this information to be hidden. We want employers to have the information, a hundred percent, and I think that is exactly what this bill will do. It is just a little bit further in the process.

Mr. NORMAN. But does it not let that person down who has been incarcerated, if he is—and I guess what you are saying is—once they fill that application out online, if you see the criminal history, it precludes them from taking the next step. I am just saying from a private individual, the opposite would be true to me, because we have experienced it. We have lived it.

And particularly, if you take a Federal job, it is even more important to know that up front. And then to request an interview with that government employee. There is a lot of Federal jobs involve childcare. And to have somebody potentially watching your children that you do not know about, the history of it, is a drawback to the person as well as to the Federal employee that is hiring them, because they can help them.

In each one of our cases, we were able to help them. And more importantly, spot the signs when they either go back or cannot function, which helped that person, because they knew we were looking. I yield back.

Mr. RASKIN. Thank you very much. Is Ms. Kelly in the—oh, there she is. The gentlelady from Illinois.

Ms. KELLY. Thank you, Mr. Chairs and ranking members. There has been significant action, you know, through many states that you have named on Ban the Box, and I am proud that my state is one of them. Can you just share some of the results on the state level, from the implementation of this law, and it can be either one of you.

Ms. HARRIS. Well if I could, I was just going to share from my own experience how this worked in government hiring. I was both a chief of staff, general counsel, and what would end up happening is we used a criminal history as a filter. So if you got hundreds of resumes, and again, so many of them were not qualified for positions. But next to geography, filtering by criminal history was the only way to get this down, you know, get the applications down to a couple of dozen applications.

And so, of course, what ended up happening is then these individuals were not the most qualified. They were not the most talented. And so, then we had to go back into the application pool. And so, I would say the only way, the only way, to safeguard individuals with records from being discriminated against in the hiring process and to ensure that we are hiring the most talented, the most qualified people to do jobs that are paid for by the taxpayers is to implement Ban the Box.

Ms. KELLY. Do you have any?

Ms. HODGE. I agree with everything that Ms. Harris said. I was once an H.R. professional prior to incarceration. And I was mandated by my employer to dwindle down the application pool, often to 10 or 20, something that was manageable. We looked for every possible way to discriminate. By having the information ahead of time, it was used.

Ms. KELLY. What would you say when people get out of jail? Like you said, you had skills before you went into jail that you could use when you got out, but what about people that go into the system, into prison, and they do not have skills. What do you think needs to be done in prison? What skills do you think need to be taught or trained, so people can be prepared when they come out? How do you figure that out?

Ms. HODGE. I think that prisons, to some degree, have to keep pace with what is happening on the outside of the prison walls. I am a big advocate for technology, because we live in a digitally connected world. And it is important that people know how to use technology. But in addition to that, just jobs that are jobs of the future. So that individuals can come home and gain access.

Often when people are in prison, they are given trainings for jobs that no longer exist when you come home. And that is very disheartening, because individuals are believing when they come home, that they will be able to have access to certain employment opportunities.

Some of the statutes that we have talked about keep an individual from being able to apply. Instances such as, you might get a barber's license while you are incarcerated. And in certain jurisdictions, when you come home, because you have a criminal record, you cannot be a barber.

Ms. KELLY. Also, we would all agree that the affects, you know, criminal justice, employment rates, the economy, and crime rates. But what would you say are—we are talking about the good things, but some of the negatives—what do you think needs to be improved? Like my colleague, Mr. Norman talked about his experiences. What are things that you think need to be improved?

Ms. HARRIS. Oh where to start?

[Laughter.]

Ms. HARRIS. Certainly, I mean, I mentioned earlier that there needs to be a significant vehicle for expungement. That is happening all over the country. And in fact, in Kentucky, we have got a felony expungement bill. And the bill that would pass today, hopefully passes today, would take a waiting period from 10 years to 5 years, crime-free waiting period.

So I am hopeful that we will move forward with expungement. Look, there is still so much that we have to do on sentencing reform, and I am hopeful that we can have a broader conversation about that as well.

Ms. HODGE. I agree with everything that was said. And then also I reiterate that most employers actually run criminal background checks. And we do not want to hide information. We just want to be able to have the human contact, the human experience to be able to advocate and tell our stories, to tell individuals who we are, and to just receive the job based upon our talent and experience, or not.

Ms. KELLY. And then, just out of curiosity, do you go to business and tell your story and—

Ms. HODGE. I do, and I am an advocate in this country. I do go and talk. I am currently working with banks right now who are interested in finding ways to give loans to individuals who have ar-

rest or conviction records, because they are turning to entrepreneurship out of necessity.

Ms. KELLY. Thank you very much. I yield back.

Ms. HARRIS. And what foolish person would not hire her?

Mr. RASKIN. Thank you very much. We come now to the gentleman from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. Well, I think this committee is largely a lovefest and, perhaps, it should be. It certainly is about as well-intentioned a bill as you are ever going to find. Before we had these committees, you know, hardworking staff put together stuff for us. Stuff that sometimes does not come out in the testimony immediately. And one thing, just struck my eye a little bit, here. I mean, one of the things they say is, "that these bills may be counterproductive." And they mention a study here, I do not know whether any other legislators brought it up. Joint study by a Michigan Law professor and a professor of who knows what, some gal from Rutgers. And they found unintended consequences. They felt that when they did the Ban the Box—or before Ban the Box, there was some race discrimination. That White people were seven times more likely to get callbacks than their Black counterparts. And this was based on made-up resumes.

They said after they put Ban the Box in there, White people got 45 percent more callbacks. So in other words, it kind of Ban the Box, really, really punished Black people. Are you familiar with that study, and do you have like a counter to it?

Ms. HARRIS. Well I was going to say, still, I guess I am a little confused. I mean, yes, I am familiar with the study. But again, in my own experience in hiring in government, really the only way that you can consider individuals with records, is again, to implement Ban the Box, because so many government agencies use the criminal history as a filter.

So—and I am unclear—I know, you know, it has been said several times that then, you know, a question about criminal history will then be replaced by a question about race or—and that was just never my experience. And again, the only way, again, to ensure that we are giving opportunities to people with records is to ensure that they cannot be discriminated against in the beginning of the hiring process.

Mr. GROTHMAN. Well these are kind of dramatic numbers. I mean Ron Johnson's my buddy. I will vote for his bill, but these are kind of huge numbers. The difference between 7 percent and 45 percent. It is kind of devastating, I think for Black people and the University of Michigan, that is a top-flight law school. I would not think this Sonja Starr is, you know, incompetent person. Really, one of the best law schools in the country.

And I am just saying, you can read the little guidance we have here, gives the reasons why they think this would, perhaps, make sense. But, I mean, jumping from 7 percent more likely to be called back to 45 percent, is a big number, and I will vote for the bill if they bring it up, but I would hope the committee chair spends some time looking at that number and makes sure that by passing this bill, we do not make things a lot worse. Because maybe we have to bring Sonja Starr or Amanda Agan in here and find out why, but I assume they are sharp people, and they are saying this bill

is going to make things a lot worse. So, you know, so I will vote for it. And it certainly feels good to vote for it, but the studies ought to be kind of analyzed maybe a little more as well.

And before I get myself in any trouble, I will pass things back to the chairman.

Mr. RASKIN. Mr. Grothman, thank you very much. I come now to Ms. Ocasio-Cortez.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chair. Just to kind of pick up on that prior note about, you know, race-based discrimination and employment. Banning the box is not legislation to end racism in America. Would you say that is correct, Ms. Harris and Ms. Hodge?

Ms. HARRIS. I would.

Ms. HODGE. Absolutely.

Ms. OCASIO-CORTEZ. So we have a lot more work to do when it comes to racism and employment discrimination beyond just Ban the Box, correct?

Ms. HODGE. Yes.

Ms. OCASIO-CORTEZ. And I would recommend that if we are truly concerned about race-based, and other forms of discrimination in the employment act, I would be happy work with my colleagues across the aisle to strengthen and expand Title 7 of the Civil Rights Act passed in 1964. So I think, we can table that conversation, because I agree, that there is a lot of work that needs to be done.

Ms. Hodge, you mentioned earlier that a person should not be judged by the worst thing they have ever done, correct?

Ms. HODGE. Yes.

Ms. OCASIO-CORTEZ. I agree and especially when they have paid their debt to society. And I think that something that is not discussed enough is that Congress has done something wrong. And we have a debt to society, because the war on drugs is widely recognized as a horrific and non-evidence-based policy that created an enormous amount of social damage in the United States.

The criminalization of marijuana and the punitive sentencing of nonviolent people is wrong. Zero tolerance laws were wrong. Blocking harm reduction policies was wrong. Minimum sentencing laws were wrong. And even against all advisement from commissions and nonprofits and experts and secretaries in both administrations, Congresses of both parties did the wrong thing. We have a debt to society that we must repay.

And my question is, do you think banning the box is part of the work that we have to do to repay our debt to society?

Ms. HODGE. I agree that banning the box is a step, and yes, it is something that Congress can do and join the 33 states in over 150 jurisdictions that have already done so.

Ms. OCASIO-CORTEZ. Thank you. One of the things that we learned is that one of the biggest aspects of preventing recidivism as you both have talked about, preventing people recommitting crimes and going back to jail, is employment and economic opportunity. Is that correct?

Ms. HODGE. Yes.

Ms. OCASIO-CORTEZ. So I am interested as well, it is not just any economic opportunity but the dignity of work and how dignified a

job is that can prevent you from—that can keep a person in society. So out of all the job programs that you have seen that formerly incarcerated people may apply to, what tends to be the most common line of work that they enter? What kind of jobs are we talking about?

Ms. HODGE. Most people enter into the restaurant and hospitality, construction, very baseline, entry-level positions throughout the country.

Ms. OCASIO-CORTEZ. And so you would say that a lot of jobs that we are talking about are in the service sector?

Ms. HODGE. Yes.

Ms. OCASIO-CORTEZ. Are there any that are typically offered more technical jobs?

Ms. HODGE. I am sorry, say that one more time.

Ms. OCASIO-CORTEZ. Are folks offered more technical jobs ever, or do you see—like, does it tend to be more complicated work beyond that?

Ms. HODGE. No.

Ms. OCASIO-CORTEZ. So we are talking about a pretty basic level of work, and I think that we should also be expanding this conversation so that we are not just allowing or creating opportunities for the formerly incarcerated to have only minimum wage jobs. But recognize the unlimited potential of all people. And for that reason, Mr. Chair, I would like to see unanimous consent to submit to the record something for consideration, A Bill of Rights for Criminalized Workers, just released by JustLeadershipUSA.

Mr. RASKIN. Without objection.

[The information referred to follows:]

Ms. OCASIO-CORTEZ. And last but not least, how do you think the Fair Chance Act can work toward the dignity of work for all Americans? And, Ms. Harris, you are free to enter as well.

Ms. HODGE. I will go quickly. I think we are at a time in the country where, with First Step Act passing, that more and more Americans are talking about criminal justice and criminal justice reform. I believe that Congress passing this bill will continue that conversation. It will allow more people to begin to understand what is going on with a third of our country, their fellow citizens, people who their children go to school with. So it is a good first step.

Ms. OCASIO-CORTEZ. Thank you. Ms. Harris, anything?

Ms. HARRIS. I agree with Ms. Hodge.

Ms. OCASIO-CORTEZ. Thank you very much.

Mr. RASKIN. The gentlelady yields back. Now I am calling on our colleague from West Virginia, Mr. Miller.

Ms. Miller, forgive me.

Mrs. MILLER. Thank you, Mr. Chairman. Thank you ranking member chairman. And thank you both for being here today.

We have learned about the Fair Chance Act. Legislation that seeks to ban the box and give previous criminal offenders the opportunity to interview for positions with Federal agencies and contractors. I strongly believe in giving people a second chance.

During my time in the West Virginia legislature, I was a proponent for justice reinvestment and fought for years to ensure that it was implemented. The opioid epidemic in my state has created

thousands of nonviolent offenders who, once they are clean, need assistance and the tools to reenter their community.

Reducing recidivism is only possible if we give people those tools and the opportunity to succeed. To accomplish this, we should focus on promoting exoffenders through rehabilitative certifications and connecting them with the many jobs that seek to hire exoffenders.

Employment is one of the most important factors in reducing recidivism. Although the Fair Chance Act is written with good intentions, I think a GAO study on the effects of the policy is needed before we can move forward in good faith.

Ms. HARRIS, what protections are put in place for Federal contractors who hire those with a criminal history? Giving exoffenders a second chance. Is there anything in the Fair Chance Act that protects contractors from increased liability, insurance, or other issues that might arise from hiring exoffenders?

Ms. HARRIS. Again, I think the premise of the question is a little bit troubling. We have not seen these issues across the country with any of the employers that we have worked with who have hired exoffenders. So when we talk about liability issues, it just has been very rare that employers have had a negative experience with Fair Chance hiring practices or with hiring formerly incarcerated individuals.

Ms. HODGE. I agree.

Mrs. MILLER. Okay, is there evidence that Ban the Box legislation actually helps those with a criminal history join the work force, or do hiring managers use other factors to weed out those exoffenders, such as race and gaps in employment?

Ms. HARRIS. I will just refer to my previous testimony on my experience in hiring in government employment. And I also wanted to note a statistic, sort of coming at the question from a different direction.

I know we are talking about the impact of Ban the Box, but you know, the impact of not giving employment opportunities to individuals with records, and I am referring to a letter that should be in the record from the Leadership Conference on Civil and Human Rights, the National Employment Law Project, and the ACLU. And I am a conservative—

Mrs. MILLER. Make sure you are answering my question, please.

Ms. HARRIS. Yes ma'am, and it states, "The Economist estimated that the U.S. GDP was reduced by as much as \$78 billion in 2014 alone, due to the poor prospects, poor job prospects, rather, of formerly incarcerated individuals." So that is coming at your question in a bit of a different direction, but we are certainly seeing a very negative impact on our economy.

Mrs. MILLER. I just want to make sure that we are not using it as a tool to weed out people, as opposed to hiring them.

Ms. HARRIS. No, in fact, it weeds out people when they are filtered by criminal history in the hiring process.

Mrs. MILLER. Ms. Hodge, are there limits on Ban the Box legislation, so that perpetrators of violent crimes are not employed by the Federal Government?

Ms. HODGE. Not to my knowledge. But there are—I think I have to go back to one thing, which is, we are not forcing anyone to hire. This is really about when is this information disclosed? And em-

ployers can continue with their traditional practices of running background checks and gathering all the information that they need to make a decision.

So this is not forcing anyone to hire. It is just when will this information be disclosed?

Mrs. MILLER. Considering my history in working very hard on this subject, I just want to make sure that whatever legislation is put forward does not actually have the reverse effect on what we are trying to do, which is give people tools to become good citizens and feel good about themselves and be productive. Thank you.

Ms. HODGE. Thank you.

Mr. RASKIN. Next is—

Mrs. MILLER. Yield back.

Mr. RASKIN [continuing]. the gentlelady from Massachusetts, Ms. Pressley.

Ms. PRESSLEY. Thank you, Mr. Chairman and thank you, Ms. Hodge for your informative and compelling testimony. Thank you for bringing your lived experiences to this. I share your belief that the people closest to the pain should be driving and informing the solutions and the policymaking. So we thank you for being here.

In 2000—and I do want to say that I very much appreciate the organization mission launch on your website. It says, “People do not go to prison, families do.” And that is really what I want to pick up on. My father was in and out of the criminal justice system because of crimes he committed while battling a substance abuse disorder.

I know, intimately, the destabilization, the stigma, the social shame and isolation of having a loved one who is incarcerated. I do want to say, my father has gone on to do incredible things. He obtained two advanced degrees and went on to be a professor of journalism and a published author. So I am very proud of him. But needless to say, while he was in the throes of that addiction, in and out of the criminal justice system, our entire family was serving with him.

In 2015, the Center for American Progress released a study showing that nearly half of the children in the U.S. have at least one parent with a criminal record. And 5.2 million children, or one in 14, have a parent who has been in prison.

In the Massachusetts 7th, which I am fortunate to represent, a Boston re-entry study that tracked formerly incarcerated men and women, found over half of respondents had less than \$400 in their pockets upon release from prison. And about a third went to unstable or temporary housing. I think they represent about 30 percent of our chronically homeless, in shelters, transitional housing programs, motels. And fewer than half were in paid employment after two months.

These studies both unearth the scale and scope of challenges many children and families face when welcoming a parent back home. A criminal record can lead to unemployment and underemployment, picking up on the comments of the gentlelady from New York, which in turn lead to financial instability, eviction, and hunger. Underscoring that incarceration and a criminal history is quite literally a shared sentence for families.

Ms. Hodge, in your work with Mission: Launch, what impact, specifically, have you seen a criminal record have on the families of those who are released from prison? And I also want to say, I appreciate your being here, because you are diversifying the public narrative of who is incarcerated. There are more women incarcerated now than ever before and the Massachusetts 7th, we have almost 40 percent of our householders, single female headed. So again, if you could speak to the impact on family?

Ms. HODGE. Thank you for that question. I think part of the work that I do is a result of the children. I was incarcerated with many women who I cannot tell you of the cries and the pain that I had to listen to for almost five years of them being away from their children. It was at a visiting room, watching children play, after reading an article where it said that, "A child who has an incarcerated parent is more likely to go to prison themselves," and it was after reading that, that I personally made a commitment that I wanted to do this work.

I was fortunate. My daughter was 22 when I went to prison. So I took an adult child to prison. But she became committed to that as well as we watched the mothers and the children reunited, often for just once a year, for a few hours in a visiting room.

Ms. PRESSLEY. And there is so much work to be done around maintaining those familial bonds while a loved one is incarcerated. Everything from more-affordable phone rates to family visiting areas and the like, but a family reunification and the stabilization of family is such a critical component of successful reentry and reintegration, you would agree?

Ms. HODGE. Absolutely, yes.

Ms. PRESSLEY. And so, could you speak to how does this employment discrimination and housing discrimination as well, how does this affect in the day to day, the functionality of the restoration of family?

Ms. HODGE. Family reunification is extremely important. If a parent is unable to take care of their families that plays an unnecessary strain. I have engaged with organizations that support children and one of the things that they said is that it is the most stressful time in the lives of a child when their parent comes home. Because it is an unnecessary strain for individuals, for parents, who are unable to take care of their children, depending on the types of crime, they are unable to live with their children. If their children live in public housing as well.

Ms. PRESSLEY. I am just so sorry. As we wrap—do you think that social safety net programs should be doing more to support the children of incarcerated parents?

Ms. HODGE. I think our country is safer when we support families and we support families being together.

Ms. PRESSLEY. Thank you so much.

Ms. HODGE. Thank you.

Mr. RASKIN. Mr. Meadows is up next, the ranking member of the Subcommittee of Government Operations.

Mr. MEADOWS. Thank you, Mr. Chairman and thank you both for your testimony. It has been very illuminating. If you could help me understand a little bit. So let us make the assumption, I think everybody here makes the assumption, this is going to be passed by

both chambers, will be signed into law. How will it work in the workplace?

So let us say that you do not have it, you do not disclose it up front. You come in for an interview. At what point does it get disclosed? So I understand the whole filter, but I also can see the negative part, that if it creates a situation where you are interviewing somebody and they are nervous that they are going to have to disclose this, and if they do not, then the employer—having been one—I go, “Well, why weren’t you just honest with me, and I check it as a dishonest mark against you.” How does it work in reality?

Ms. HODGE. I think it works a couple of different ways. But in this particular scenario, it is, a person gets to complete an application, and an individual criminal history gets to persist. They are able to be interviewed by you, and it is—

Mr. MEADOWS. And during that interview, do they disclose this?

Ms. HODGE. No. The law that is before you is if there is a conditional offer. If you are interested in this person, that is when it is disclosed. However, the Ban the Box policies throughout the country, there are various versions of them. It is why many states and jurisdictions are expanding it. And quite frankly, it is a complicated, unnecessarily, complicated policy.

Ms. HARRIS. Yes, and I would just offer, too, and I think this is something that Congressman Norman, I believe, brought up. So again, there are a lot of individuals who would tell you, or a lot of employers rather, who would tell you that when individuals come in who have a criminal record, they are actually very quick to share it. Before you even ask, they are quick to share it.

Mr. MEADOWS. Right.

Ms. HARRIS. Because again, they are quite concerned about the issue you just raised, about honesty. But this gives them an opportunity to talk about their efforts at rehabilitation. It also gives you an opportunity to see their job skills and qualifications. And again, we are talking about discriminating against a third of our country. And we are no longer talking about an obscure minority here. This is a third of our country that has a criminal record. So I mean, I think it is quite concerning that, you know, that we would exclude a third of our country from the job pool for government jobs.

Mr. MEADOWS. I get that, but I guess here is the concern, because I normally would ask, you know, is there anything that I ought to know about that might be a concern? In the minute—if this uses this law—is used as one to say, “Well I am not required to disclose it,” it can have a complicating factor, certainly from an employer standpoint. Do you follow me? So if you all can come up with some recommendations on how maybe we can look at that. And I am going to yield the balance of my time to the gentleman from Kentucky, who Ms. Harris does not need a translator for you.

[Laughter.]

Mr. MASSIE. I thank the gentleman from North Carolina. When I was a county executive, at Lewis County, the second biggest line item in our budget was the jail. The only thing we spent more money on was the roads. And so, I spent a lot of time over at the jail, and I got to know some of these inmates. And one of the most ironic cases was a guy who had been convicted of flagrant non-support. It is a Class D felony in Kentucky. I think he was spend-

ing a year in our jail. Okay, we were housing state inmates at the time.

So the reason that is ironic to me is we are depriving him of a year of income and the children that he has fathered need that income. I am not advocating for a lesser sentence for it, but the problem is when he gets out, how is he going to provide for those children? So I want to broaden this in the minute that I have left. And this is probably a good idea, this bill, but what are the other things we can do to make sure that those type inmates, when they get out, they can provide for the family that they should be supporting? By getting a job. Ms. Harris?

Ms. HARRIS. Again, and not to be a broken record, but expungement. And again, most expungement bills in this country, there is a ridiculous waiting period of 10 years. And if you live with a criminal record for 10 years, I mean it is just—expungement almost seems like it really will not do much for you.

But an expungement bill that has a reasonable crime-free waiting period of, you know, three to five years, I think could do a lot to ensure that individuals can get back on their feet and eventually find a well-paying job. But I mean, that is where I would like to start at the Federal level, just because there is no significant vehicle for it.

Mr. MASSIE. Let me give Ms. Hodge a chance to tell me something else we could do to make sure people can get a job when they get out of jail.

Ms. HODGE. Actually I was agreeing with everything that—
[Laughter.]

Ms. HODGE. Ms. Harris had to say there as well. But I think that this bill—if Congress passes this bill, it continues a conversation. It continues a conversation with employers on how do we handle this issue? I do not think that we have all of the answers today, here. Ban the Box is new legislation. So the data does not exist to the degree that we would like to have it, but I think that it is a good next step, and we are going to have to grow and heal as a country and find ways that we create employment opportunities.

Mr. MASSIE. I yield back.

Mr. RASKIN. Thank you very much. And Mr. Massie, you know, the question you raised is an important one, and it is one that I hope we, that our subcommittee will get to investigate, which is people who are in jail or in prison for essentially financial offenses for not paying fees, not paying fines, speeding tickets and so on, not paying child support, and I know a lot of states are trying to work on that problem as well. We come now to the gentleman from Missouri, Mr. Clay?

Mr. CLAY. Thank you, Mr. Chairman. And just to continue the conversation with Mr. Massie. There is an effort around the country in the area of restorative justice. In the state of Missouri, it has been shown that we have debtor's prison for things like you mentioned, for people who do not pay child support. But in the St. Louis region, we have just elected two new prosecutors in St. Louis City, St. Louis County, who have done away with warrants and jail time for those do not pay child support. And for low-level possession of marijuana.

And because the corrosive effect of locking someone up because they cannot pay child support only multiplies the impact. Okay, so you put them in jail, then they lose their job. Or they lose their privilege of driving. So they cannot drive to a job then.

I mean there are all kinds of cyclical effects that happen to people because we go after these low-level crimes and because a person is poor we cannot—they cannot meet those fines and then they wind up doing jail. So that is a discussion, hopefully, this committee will continue to have.

And that is why the First Step Act is so important. That is why The Second Chance Act was so important. And I want to continue to engage you in that. But before all of my time is up—well, if you have a response.

Mr. MASSIE. No, I just think it was the most ironic case in our jail. And it also shows why this is not a democrat or republican issue.

Mr. CLAY. And it happens more than it should.

Mr. MASSIE. Exactly.

Mr. CLAY. So let me go to my first question. But thank you for engaging. Ms. Harris, thank you for being here today and you have spoken enthusiastically in the press about criminal justice reform being a bipartisan issue.

Ms. HARRIS. Yes sir.

Mr. CLAY. Specifically Ban the Box, initiatives like the Fair Chance Act, benefit not just individuals but entire communities. A prime piece of evidence you have identified is Ban the Box initiatives have been endorsed by a wide variety of employers from Facebook to Walmart to Koch Industry. Is that correct?

Ms. HARRIS. Yes sir.

Mr. CLAY. The benefits of Ban the Box for individuals with a criminal record is obvious. It helps them get jobs they are qualified to do but might not otherwise get.

How do policies like the Fair Chance Act benefit employees?

Ms. HARRIS. Well again, it opens up opportunity, and I do not want to miss the forest for the trees, here. Again, we are just ensuring that folks with records will have an opportunity just to get their foot in the door and be able to offer, you know, a narrative about their job skills and qualifications before they, you know, they have to discuss what is, perhaps, their worst mistake.

And so we are not, as Ms. Hodge said earlier today, no one is forcing anyone to hire anybody. But simply to give these individuals an opportunity.

And you did mention bipartisanship, and I do want to note that I think it is just truly remarkable that a democratic-led committee would invite a conservative strategist from deep red Kentucky to serve as one of your witnesses, and I think that speaks to your commitment to these issues and to the bipartisanship that continues to safeguard criminal justice reform.

Mr. CLAY. We find you an excellent witness for this legislation. Ms. Hodge, before my time is up, you have worked passionately to open doors to people with criminal records building on your own experience which you have movingly testified to here. What response have you seen from employers, particularly public employers who have adopted Ban the Box policies?

Ms. HODGE. A lot of what Ms. Harris has said. Employers are saying that these are their best employees. They are less likely to leave the job. They arrive early for employment. There are stories after stories of employers who are saying, by widening their pool, and not just blanketedly discriminating—and now that we are using technology online. We have to know that algorithms are going to work faster and are discriminating people earlier in the process.

Mr. CLAY. Thank you both for your testimony. My time is up. I yield back.

Mr. RASKIN. Mr. Clay, thank you. I am going to come to the gentlewoman from the District of Columbia, Representative Norton.

Ms. NORTON. Thank you very much, Mr. Chairman. This is an important hearing, and one we have not looked at. I am impressed by the testimony we have received today from both of our witnesses. We are talking about Federal Government hiring alone.

You know that once upon a time, the Federal Government was the kind of role model for the states and then the states said, “Well it must be all right, because the Federal Government is doing it.” And now it has turned just the opposite, I think, as your testimony has indicated.

I am very interested in your testimony, because this is an issue that seems to breach the divisions in Congress. I note, Ms. Harris, if you do not mind my saying so, that you are a republican.

[Laughter.]

Ms. HARRIS. Secret is out.

Ms. NORTON. And are here by invitation of the democratic chair of this subcommittee. So I do think we begin on the right foot. I am also impressed by the list of jurisdiction states who have banned the box. I cannot find a difference between red and blue on this issue. And as a key to, perhaps, learning how we can bring that to other issues as well, I would like your opinion, the opinion of both of you, on why this bill has seem to know—we used to say left or right—it is red or blue. And why, in particular, it would be seen as consistent with conservative principles?

Ms. HARRIS. I am going to assume that is to me.

[Laughter.]

Ms. HARRIS. But look, you know, criminal justice reform policy, in general, strengthens families. We would say it gets government out of the way and puts people back to work. Right, Congressman Massie? It ensures that we are holding government agencies accountable. It also improves public safety, which I think is a goal of both parties.

So, you know, for all of those reasons, I certainly think that criminal justice reform, in general, is consistent with conservative principles, and that is why you see some of our most conservative members, like Congressman Massie, like Senator Rand Paul, like Congressman Amash, you know, serving as zealous advocates for these issues.

Ms. NORTON. Certainly if you leave people who get out of prison with nothing, no way to earn a living, of course, that could be seen as an invitation to crime. So I do think that this makes me want to think, at least, of issues to which we could transfer just such

thinking. In other words, what is the alternative? You come to the alternative pretty clear what you want to do.

I do not know if you can think of other criminal justice reform measures that have this same kind of red and blue impact. Can you?

Ms. HARRIS. Oh, sentencing reform, bail reform, shrinking criminal codes, getting rid of a lot of unfair, unnecessary duplicative laws, any of your reentry policies. All of the above have a lot of bipartisan support.

I also would urge, and I would be remiss not to mention it, you know, folks here have talked about those who have relapsed on the job, and it is due to drug addiction. And we have got to be investing more money in treatment in this country. Less investment in jails and prisons and more investment in treatment, because we are not treating the core issues that brought a lot of these individuals to the justice system to begin with.

Ms. NORTON. Thanks for that insight. Now, I think—in fact I know that our bill is about Federal employment, and I noticed, Ms. Harris, that you indicated that some jurisdictions have banned the box in public and private employment. And then some, I suspect, in only public employment, and I want to know how jurisdictions make that distinction if some decide to go with only public employment, why? Any insight you can give us on that? Because obviously most of the jobs in the United States are private employment.

Ms. HARRIS. Sure, and look, I think as more people see and hear the success stories of organizations like, for example, Koch Industries. I cite to that a lot, because Mark Holden is very free and sharing about his experiences in hiring formerly incarcerated individuals.

As more jurisdictions hear those success stories, and by the way, as employers become more and more desperate for workers. I mean, now in the country, we have more open jobs that we have unemployed individuals to fill them. So, you know, as employers become more desperate, I do think there will be a move to further encourage private employers.

Ms. NORTON. You scare me a little bit on that. It is good to hear that one of the reasons is that employers need employees, and I remember during the Clinton Administration, when we got to this point as well. And we found people readily employing people with records.

So if we get back beyond where we are now, we have full employment. Do you think there will be reversion, or do you think these examples will have made the case for hiring formerly incarcerated people?

Ms. HARRIS. Oh, there is no question. I defer to Ms. Hodge to share so many of the stories from the individuals who are involved—

Mr. RASKIN. Ms. Hodge, will you answer the question, and then the gentlelady's time is up.

Ms. HODGE. Yes, I am sorry. Can you please repeat your question, though?

Ms. NORTON. Yes, I say, of course, we are in a time when employers are desperate for—with full employment, it is called, of course, we know, people are working two or three jobs. And so, I

am wondering if you have had enough experience so that when inevitably in a market economy, we go back to where you do not have full employment anymore, you feel that the lesson has been taught? That it is not a danger to hire formerly incarcerated persons.

Ms. HODGE. Yes. I personally believe that the evidence is going to bear that. I think that is why states that have early adopted Ban the Box, even minimally, have gone back and have expanded it, Ban the Box within their states. So we are now starting to see that. And I think as we continue, the evidence will prove that banning the box is beneficial—it makes us as a country more fiscally responsible.

Mr. RASKIN. Thank you. The gentlewoman from the Virgin Island, Ms. Plaskett.

Ms. PLASKETT. Thank you, Mr. Chairman and thank you all for being here and to my colleagues for this, I think, very educational and important discussion. I want to say just as a point of reference that this discussion has been going on for quite a long time, and I am glad that this is really raising itself now to a point where we may have a bipartisan solution that makes some steps in the right direction.

I just want to note that our chairman of the subcommittee was very engaged in this, and when I was his law school student, at American University Law School, I wrote a thesis where he was the advisor on the disenfranchisement and voting rights for convicted felons. I saw that in a box a couple of months ago and thought—

Mr. RASKIN. I hope you will not mind my violating your academic privacy, but you got an A on your thesis.

Ms. PLASKETT. I did, thank you. But the other thing I wanted to share was an experience that I had. I had been a prosecutor in the past, and I had the pleasure and the honor of working in the Bronx District Attorney's office. And just as a personal experience, I recall one day taking my sons to a barbershop. People had told me that this has got to be one of the greatest, hottest, barbershops in the south Bronx. And sitting there with three of my—my sons were really small at that time waiting for them to see the barber. It was a young shop. These were young guys. They even had an area of play for their children. And as I looked at the guy who was about to do my son's hair, I realized I had put him in jail. That I was the prosecutor.

And so, I began to put the newspaper a little closer over my face as he was about to start shaving my son's head. And afterwards when I paid him and thanked him, you know, said he did a great job. He called me by name. And said, you know, "And I want to thank you, because you were definitely the ADA on that case, but I definitely did the crime and being in jail is where I got my barber's license from." But he could not find work and so he and two other guys from the barbershop went in and started their own barbershop together. And the city of New York gave them support to be able and lease a place to do that.

And that became a safe place for not only young people. They were able to have their children there and care for their children while they were working. So these are important things in commu-

nities to have. And that is just a personal experience. But banning the box is crucial, because research shows that removing barriers from employment is essential to providing a real second chance for individuals.

Two studies from the National Institute of Justice found that having a criminal record reduces likelihood of a job callback or offer by nearly 50 percent. You both are, I am sure, very aware of that. What would these penalties even apply to those who be arrested or who actually have not been convicted? Can any of you answer that? Does this apply to arrest, this banning the box? Or is it just for convictions?

Ms. HARRIS. Well so, if you are—this particular bill allows the government employer to inquire into your criminal history but then again, that would mean that you would have to have been convicted of a crime. That said, as you well know, if you do a criminal background check, you can often see where someone has been arrested. So, you know, it would still be available to you if, you know, depending on the search mechanism that you are using.

Ms. PLASKETT. Sure, you know, in the panel before, Senator Booker cited some information from the American Bar Association, which stated that there were 45,000 collateral consequences to having a criminal conviction. I think that is really important for us to know. That this is just one of many consequences to individuals of having that.

You cited earlier, Ms. Harris, the Virgin Islands, which adopted a robust Ban the Box that keeps from public and private, which means that employers are hiring and looking for good workers, because there are a staggering 30 percent of 18-to-35-year-olds in the Virgin Islands that have a criminal record. Most for nonviolent offenses. Most are petty offenses and marijuana offenses in our case.

And one of the other things our legislature did last year that I was really happy to be a part of was to remove the waiver for individuals to receive food stamps. Because we saw that we had so many families—individuals that were coming out of jail that unless a state allows it, will not allow them to receive food stamps for them and their families as they are trying to find work and trying to make that transition.

So we should be working here at the Federal level to look at states—with the states—to see what support do they need from us and Federal legislation that will allow them to support individuals. There are a lot of other things that I would like to ask you all, but I want to thank you so much for having this hearing. This has been a really wonderful conversation, and I am glad to get this information on the record, so our colleagues can see the importance of banning the box. Thank you.

Mr. RASKIN. The gentlelady yields. We come to the gentlelady from New York, Ms. Maloney.

Ms. MALONEY. First of all, I want to thank you, Mr. Chairman for calling this important hearing, and I thank both panelists and all of my colleagues for their support and contribution to the discussion. I am a proud cosponsor of the Fair Chance Act and think that our Federal Government should follow the example of 34 states, including my own home state of New York that has enacted similar legislation. And as we heard from the testimony today, the

Fair Chance Act is not only morally right, but it makes good business sense by employing people with a record and making it possible for them to be employed, and they have the dignity of work for their own life. Also it helps their families and actually the economic vitality of our country. So barring people with criminal records from work has real negative consequences for the economy and for the bottom line.

And I want to cite two statistics that really support this. The National Employment Law Project, in 2014, "America's GDP lost an estimated \$78 billion because people with felony records could not participate in the labor market." The organization also found that, "Putting 100 formerly incarcerated people back to work could increase their lifetime earnings by \$55 million, increase their income tax contributions by \$1.9 million and boost sales tax revenues by \$770,000." That sounds like a pretty good deal.

So I would like to ask Mrs. Harris and Mrs. Hodges, are these findings consistent with your understanding of the economic benefits of employing people with criminal records?

Ms. HARRIS. Yes.

Ms. HODGE. Yes.

Ms. MALONEY. And we have also established that reemployment of people, the dignity of work, employing them with criminal records adds value to our overall economy. So Ms. Hodges and Ms. Harris, do Ban the Box policies save taxpayers money?

Ms. HARRIS. Yes ma'am.

Ms. HODGE. Yes, it will.

Ms. MALONEY. And I agree. In fact, the National Employment Law Project also noted that, "Ban the Box saves as much as \$2 million in criminal justice expenditures." So my question is, why have we not passed this earlier? This sounds like a win-win-win, for the individual, the family, the economy, the country.

Ms. HARRIS. Amen.

Ms. MALONEY. So why have we not passed it earlier, do you think?

Ms. HODGE. I am not sure why we have not passed it earlier, but I am so excited that this bill is before Congress today, and I am hopeful that this Congress will pass this bill.

Ms. MALONEY. Well thank you so much, and I yield back.

Mr. RASKIN. Thank you so much. The gentlelady yields, and I come now to the ranking member of the subcommittee, Mr. Roy.

Mr. ROY. Well you all have been extraordinarily patient. We are coming up on a couple of hours, I think, for those who have been here at the table. So thank you for your patients, we are about to wind down. I do appreciate the chairman. I appreciate all of my colleagues. And I will try to be quick.

And full disclosure here, you know, this committee in particular, we have got a lot of interesting issues in Oversight. Maybe there is a little bit more bombast in this committee sometimes, because of some of the issues that are brought before it, and this was a very, I think, compelling hearing. Very nonpartisan, as Ms. Harris, you rightly point out. I already pointed out my affiliation with the Texas Public Policy Foundation, who is obviously one of the leaders on this with Right on Crime, this area, Right on Crime.

But I do want to say, sort of acknowledge, that I am a little bit split on this issue and broadly speaking as somebody who believes, from my faith, my Christian faith in second chances and somebody who thinks that we need to follow the data and figure how we can best allow people to integrate back into society. I think this is a really important conversation.

I am also a former prosecutor, and not unlike my colleague that was just talking, and so I do have some concerns about just making sure that as the pendulum is moving, as we kind of think about things, that we are making sure we are keeping our eye on the ball.

So a couple of things, a couple of clarifying questions, totally meant to be open-ended, clarifying questions. No “gotchas” or anything. I did want to come back to the Doleac study, because we have talked a few times about these issues that have been raised, and, in general, the response has sort of been, “Well, that’s not been my experience.” And that is fine. That is an anecdotal observation that I take your word on it, because you spend all your days doing this. So that matters to me.

But in the empirical analyses, it is not just the Doleac study, there are others, you know, for example, I would ask unanimous consent to enter into the record, a February 2017 paper authored by two senior economists at the Federal Reserve Bank of Boston that analyzed Massachusetts Ban the Box reform.

Mr. RASKIN. Without objection.

Mr. ROY. The study found, “We find that contrary to the intended goal, the Corey reform,” which is the analogous reform here, “has a small negative effect on exoffenders employment that grows over time.” Now to be clear, it said, “small negative effect,” so I mean, I would acknowledge that.

And as I said, with respect to Ms. Doleac, her analysis said, “delaying information about job applicants’ criminal histories lead employers to statistically discriminate against groups that are more likely to have a recent conviction. No. 2, this negative effect is driven by reduction employment for young, low-skilled Black men who do not have criminal records. No. 3, current evidence suggests that Ban the Box may not increase employment for people of criminal records and might even reduce it.”

I could go on, and you guys have read the study. My point of bringing that up is only this, it is important that we look at that, and that is why we have got this inquiry in on the study, the letter that Chairman Gowdy put in last year that we are waiting on.

And here is when I am going to actually get to the question, which is, I think Ms. Harris, you had pointed out about current policy with the Federal Government and hiring. And I think you stated something to the effect of, we need this law to prevent the Federal Government from having hiring practices that would make it difficult for those with records, because they have to check the box. You said something along those lines?

Ms. HARRIS. Yes, I guess there could be action from the President as well, but legislation would be required. Was that your question? I am sorry.

Mr. ROY. Well it is, and I am glad you said that, because my understanding, but please correct me if I am wrong, is that under cur-

rent Office of Personnel Management Policy, established under President Obama, we already follow what is laid out in the Fair Chance Act but if I am wrong—

Ms. HARRIS. But it does not extend to contractors.

Mr. ROY. Okay, so here is my question and that may be fair and I will take your word that that is true. What data do we have from the experience in the last, two, three, four years—I do not know the date of the executive order or whatever the order was that would indicate how this is faring with employment, not the contractors if it only applies to employees. How are we seeing it perform with respect to employees?

Ms. HARRIS. What I would share is that there is really no level of accountability for some of this and that is why I think it is pretty critical that when we talk—I think someone did make the point about implementation about ensuring that we are not, you know, replacing, you know, the box with something that could exacerbate any sort of, you know, racial disparities.

And so or any sort of race issues. And so—look, I think your point is well taken that you know, implementation of this and ensuring some accountability with respect to, you know, what is passed by this body is critical. I would raise the First Step Act that we just passed. Look, when you read it, it is great. We are having some issues with implementation. So—and it is my understanding that this body, all of you all are members of the Oversight Committee, and I am quite hopeful that you all will be vigilant in ensuring that when you pass this bill that there is a level of accountability in ensuring that the Executive branch does, in fact, follow it.

Mr. ROY. Well I appreciate that. My time is winding down, so I will just say this one last point, which is that, I think I would hope that we, the committee, would be able to work on other things in this area.

I think we are heavily over-criminalized. I think that I would like to look at over-criminalization, how we might reduce the number of laws that are out there. If you follow, you know, a crime a day on Twitter, it is pretty compelling.

And also things like occupational licensing, which I think, often more at the state level, but I would at least like to continue to have, you know, interest in looking at some of these other ways that we can address these kinds of issues. And I thank you all very much for your time. Thank you.

Ms. HODGE. Thank you.

Mr. RASKIN. Mr. Roy, thank you. The ranking member has extraordinary experience in this field. And so, I indeed hope that this will be just the beginning of some bipartisan collaboration we can do to advance things.

I am going to ask each of you one question, and I am going to yield, two-point-five minutes to Ms. Pressley from Massachusetts. She has asked for two, but I was so moved by her beautiful statement before, I am giving her two-point-five minutes, and then I am going to enter some stuff in the record.

So, Ms. Hodge, let me start with you. You began with a very powerful story about how you knew that you had the right qualifications. You knew you were right for the job. You filled it out on-

line and then you honestly answered the question, “Do you have a criminal record,” and then suddenly it went blank and came up and it said, “You have been disqualified because of one of your answers.”

Now technically speaking, and maybe even more than technically, subsequently speaking, we are not going to remedy that with this legislation, because now you could not be cutoff at the threshold, but you go all the way through the process and they could say, “Ms. Hodge is the greatest candidate we’ve ever seen,” and then they ask you the question, “Do you have a criminal record?” And then at that point, they could say, “Sorry, we can’t chance it.”

So no, I understand that would not happen in every case, so you clearly have won by virtue of having the opportunity to get the job, but if that were to happen to you, what would your reaction be? In other words, would you feel better about such a process or worse about such a process? I think some of colleagues asked about that.

Ms. HODGE. I would feel better. I think that most individuals who have an arrest or conviction record just want to feel as though they have a fair shot. And I have applied for many jobs, even prior to incarceration that I did not receive that I felt like I was qualified for. And so, being disqualified for any other reason but just the fact that I had a criminal record and that early on in the process was what was the most disheartening.

Mr. RASKIN. What an excellent answer. I think there are a lot of socio-psychological studies which show that people—even if they are not going to end up getting a job, admission to a college, whatever it might be, win a prize, if they feel like the process was fair, then they do not leave embittered by the experience. I thank you very much.

Ms. HARRIS, let me ask you, I think that one of the tough things we face in this whole field is the idea that because someone has committed a crime, they have been adjudicated guilty by a jury of their peers, that, that defines who they are for the past and for the future. And you seem to have robust optimism about you. What is it that gives you faith that we do not have to be bound by that belief?

Ms. HARRIS. Well, “There but for the grace of God go” all of us, right? I mean, again, I come from a state where a lot of people are very sick. No state has been ravaged by the drug scourge like Kentucky. And, you know, and because of that, you know, we have a whole lot of people who are entering our justice system who are not bad people but they are sick people. And so I certainly have the belief that if we can get these people well and certainly that should happen through treatment not through incarceration. Then, you know, of course, they can be different people. And the stories, you know, of Ms. Hodge and so many of the individuals that she works with at JustLeadershipUSA. Matthew Charles, my good friend, who actually would be considered a violent criminal is one of the finest people that I have ever met.

So I would not even call it optimism. I would say, you know, based on my personal experience and my observations that this is, you know, second chances are real and that a person’s worst mistake should not define them.

Mr. RASKIN. Thank you very much. Ms. Pressley.

Ms. PRESSLEY. Thank you, Mr. Chair for being so gracious as to allow me the opportunity to ask one more question for the record.

I am reminded of a recent report produced by the IMF which substantiated what we all know, which is that if we had a more inclusive economy, what that can mean for the GDP. And, in fact, when it comes to closing the gender gap, specifically they said, if we were to address that, then we could see a boon to the GDP of some 35 percent.

And so, thinking about this from the standpoint, a more inclusive economy, do we have any projections? In 2015, they said something like there were 70 million Americans with a criminal record or who had been incarcerated. So are there any economic projections of what a more inclusive economy can mean by eliminating these barriers to employment?

Ms. HARRIS. Again, I would go straight back to that number that has been cited, which again, is sort of the reverse of your question. But on how—on the negative impact that we have seen to our economy by the poor job prospects of formerly incarcerated individuals.

Economists have estimated the U.S. GDP was reduced by as much as \$78 billion in 2014 alone. Seventy-eight billion dollars in one year. So, you know, certainly, I mean, again, that is the reverse of your question. I think it underscores the point.

Ms. PRESSLEY. Thank you very much, all right. And I yield back. Thank you again, Mr. Chair for your graciousness.

Mr. RASKIN. Oh you bet, Ms. Pressley. Thank you for your astute questioning today.

Let us see, I wanted to close just by saying something about the very interesting point made by Mr. Grothman from Wisconsin about this study, and I am going to enter some counter studies into the record.

But, of course, he made the interesting point that there is one study that shows that removing a former condition of incarceration as a legitimate grounds for discrimination may increase race discrimination. And, of course, I do not know whether or not it is true. There are several reports which undermine that claim.

But in any event, I do not know that it is a powerful argument. Even if it were true, it is like saying, "Well we shouldn't have the Pregnancy Discrimination Act, because some employers may say therefore, we'll just discriminate on the basis of gender." You cannot use one form of discrimination to justify another form of discrimination.

But in any case, I am introducing one statement from Dr. Terry-Ann Craigie, who is a professor at the Department of Economics at the Connecticut College, and she makes the point that her confers of study finds that, "Ban the Box policies increase the likelihood of public employment for those with criminal records by 30 percent." And she goes through the data.

The second comes from National Employment Law Project which directly targets the claim that you are going to increase race discrimination if you develop a Ban the Box policy. The core problem raised by the study is not Ban the Box but entrenched racism in the hiring process, which manifests as racial profiling of African

Americans as criminals, according to these authors. And they get into a lot of detail.

And then, finally, from Texas A&M University—oh, that one has been entered already. Where is the one from—is that the one from the leadership conference? Okay.

Two more, one from the ACLU called, Back to Business: How Hiring Formerly Incarcerated Job Seekers Benefits Your Company. And finally, from the Leadership Conference, a statement on the Fair Chance to Compete for Jobs Act of 2019.

Mr. RASKIN. I want to thank everybody for this enormously illuminating and fair-minded hearing. And without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair which will be sent to the witnesses for their response, and I ask our witnesses to please respond as promptly as you can.

And again, we thank you for your excellent testimony today. The hearing is adjourned.

[Whereupon, at 4:36 p.m., the subcommittee was adjourned.]

