

116TH CONGRESS
2D SESSION

H. RES. 1198

Calling on States to implement “ban the box” legislation.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2020

Mr. RUSH submitted the following resolution; which was referred to the
Committee on Education and Labor

RESOLUTION

Calling on States to implement “ban the box” legislation.

Whereas systemic racism within the criminal justice system
has led to deep racial disparities within the population of
Americans with felony convictions;

Whereas a 2017 study from the University of Georgia found
that while 8 percent of all Americans have a felony con-
viction, 33 percent of African-American males have been
convicted of a felony;

Whereas the Equal Employment Opportunity Commission
recommends that employers refrain from asking about
conviction history on job applications and limit their que-
ries to job-related convictions or convictions that would
be consistent with business necessities if they choose to
ask these questions;

Whereas a 2018 report from the Brookings Institution found that one-third of all 30-year-old men in the United States who reported no annual earnings are either incarcerated or formerly incarcerated;

Whereas the 2018 Brookings Institution report found that while only 49 percent of prime-age men were employed 2 years prior to their incarceration, 45 percent of former prisoners reported no earnings in the year after their release;

Whereas a 2003 study in the American Journal of Sociology found that stating a criminal record on a job application reduces the likelihood of an employer calling back a potential employee by 50 percent;

Whereas eliminating questions about an applicant's criminal history on their initial applications would allow job applicants a fair hearing with potential employers;

Whereas 13 States already prohibit private employers from asking questions about a job applicant's conviction history;

Whereas an analysis by the Prison Policy Initiative found that, in 2008, 27 percent of formerly incarcerated individuals were unemployed, compared to just 5.2 percent of the overall population;

Whereas the racial disparities in the United States criminal justice system are reflected in our current employment statistics, as in the second quarter of 2019, 6.1 percent of African Americans were unemployed, compared to an overall unemployment rate of 3.5 percent during the same quarter; and

Whereas barring employers from inquiring about an applicant's history in the initial application process does not

affect their ability to conduct background checks later in the hiring process: Now, therefore, be it

1 *Resolved*, That—

2 (1) it is the sense of the House of Representa-
3 tives that inquiries related to conviction history dur-
4 ing the initial processes of employment have the ef-
5 fect of deterring employers from hiring those seeking
6 to build productive lives within the American work-
7 force after their convictions and should be prohib-
8 ited; and

9 (2) the House of Representatives calls on States
10 to implement “ban the box” legislation.

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