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September 24, 2008

The Honorable Robert C. Scott
United States House of Representatives
1201 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Representative Scott:

I am writing on behalf of the American Bar Association and its more than 405,000 members worldwide to express our strong support for the Fairness & Accuracy in Employment Background Checks Act, H.R. 7033, which provides critical safeguards when the FBI conducts criminal background checks for employment purposes. We commend you for your leadership in introducing legislation to improve the accuracy and reliability of criminal record information maintained by the FBI.

Each year, more than five million criminal background checks are generated by the FBI for civil purposes, mostly for employment, surpassing the number generated to investigate crimes. According to the Attorney General, however, 50 percent of the FBI records are currently incomplete or inaccurate. While we recognize the necessity of criminal background checks for safety sensitive jobs, we are concerned that the FBI's system may be so seriously flawed that it does a disservice to large numbers of U.S. workers and employers who want to enter into an employment relationship but are prevented from doing so by inaccurate FBI records.

The proposed legislation adopts proven strategies that fix the FBI records before they are released and the damage is potentially done. For example, the FBI has a special unit that tracks down incomplete criminal records for federal gun checks required under the Brady law. As a result of these investigations, two-thirds of the incomplete state records are updated within three days. The Fairness & Accuracy in Employment Background Checks Act applies this simple, yet workable approach to employment background checks as well. In addition, the bill incorporates several basic consumer protections that already apply to private screening firms under the Fair Credit Reporting Act, thus ensuring that workers are treated fairly and with full knowledge of the facts.

We applaud your leadership on this important issue and look forward to working with you toward enactment of this legislation.

Sincerely,

A handwritten signature in black ink, reading "Thomas M. Susman" with a long horizontal flourish extending to the right.

Thomas M. Susman