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May 4, 2010

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 with its almost 400,000 members nationwide to commend you for your strong leadership in introducing the Fairness & Accuracy in Employment Background Checks Act of 2010, which provides critical safeguards when the Attorney General provides information regarding criminal background checks prepared for employment purposes. This legislation would take several important steps that the ABA has recommended 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 Fairness & Accuracy in Employment Background Checks Act proposes implementation of much-needed steps to improve criminal records checks requested by employers. It directs the Attorney General to take action regarding incomplete or unverifiable records and to issue regulations to implement the Act within one year of its passage. Finally, it directs the Attorney General to report to Congress on all Federal statutes, regulations, and policies providing employment restrictions and disqualifications based on criminal records.

We applaud your leadership on this important issue and look forward to working with you as this legislation moves forward.

Sincerely,



Thomas M. Susman