May 2010

The Honorable Robert C. Scott, Chairman
House Judiciary Committee, Subcommittee on
Crime, Terrorism & Homeland Security
1201 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Congressman Scott:

We, the undersigned organizations, are writing to thank you for sponsoring and introducing the Fairness & Accuracy in Employment Background Checks Act of 2010. We strongly support this legislation, which provides critical safeguards when the FBI conducts criminal background checks for employment purposes. In today’s tough economic times, this legislation is more important than ever before to help remove all unreasonable barriers people are facing in finding and keeping jobs.

While we recognize the necessity of criminal background checks for safety and security sensitive jobs, we are concerned that the FBI’s system is 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 deterred from doing so by inaccurate FBI records. Each year, about nine million criminal background checks are generated by the FBI for civil purposes, mostly for employment. According to the Attorney General, however, nearly 50 percent of the FBI records are incomplete or inaccurate. As a result, thousands of people are denied jobs, or face delays in receiving jobs, which often raises serious civil rights concerns given the disproportionate impact of criminal background checks on people of color. Moreover, because of the inaccurate FBI records, employers are denied workers of their choice and federal and state agencies that require criminal background checks end up diverting valuable time and resources on worker appeals challenging the accuracy of the FBI’s records.

The Fairness and Accuracy in Employment Background Checks Act of 2010 adopts proven strategies that fix the FBI records before they are released and the damage is already done. 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 business days. The bill applies this simple, yet proven, approach to employment background checks as well, thus ensuring that the records are accurate before they are released to the authorized employers and government agencies. 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 when they submit to an FBI criminal background check for employment screening purposes.

This bill has already generated significant bi-partisan support from members on key Congressional committees in the House of Representatives, including Judiciary, Homeland Security, and Transportation and Infrastructure. At a time when finding and keeping a job is more of a struggle than ever for millions of workers, your leadership on this issue is of major significance to our community. We look forward to working with you to ensure passage of this critical legislation.
Sincerely,

AFL-CIO
Amalgamated Transit Union, AFL-CIO
American Civil Liberties Union
American Federation of Government Employees
American Federation of School Administrators, AFL-CIO
American Federation of Teachers
American Maritime Congress (AMC)
American Waterway Operators
The Bronx Defenders
Center for American Progress
Child Labor Coalition
Community Service Society of New York
International Brotherhood of Teamsters
International Federation of Professional and Technical Engineers, AFL-CIO
International Initiative to End Child Labor
International Longshoremen’s Association
International Longshore & Warehouse Union
International Organization of Masters, Mates & Pilots
The Lawyers Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
Legal Action Center
Marine Engineers’ Beneficial Association
Marine Firemen’s Union
Maritime Institute for Research and Industrial Development (MIRAID)
NAACP
NAACP Legal Defense & Educational Fund, Inc.
National Air Traffic Controllers Association
National Education Association
National Employment Law Project
National Employment Lawyers Association
National H.I.R.E. Network
National Legal Aid & Defender Association
National Workrights Institute
North Carolina Justice Center
Safer Foundation
Sailors’ Union of the Pacific
Sargent Shriver National Center on Poverty Law
Seafarers International Union
Service Employees International Union
Transport Workers Union of America
Transportation Trades Department, AFL-CIO
United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)
United Food and Commercial Workers
United Steelworkers