

113TH CONGRESS
1ST SESSION

H. R. 2999

To amend title 28, United States Code, to provide for procedures ensuring accuracy in employment-related exchanges of records and information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. ELLISON (for himself, Ms. NORTON, Mr. RANGEL, Mr. SCOTT of Virginia, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to provide for procedures ensuring accuracy in employment-related exchanges of records and information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accurate Background
5 Check Act of 2013” or as the “ABC Act of 2013”.

1 **SEC. 2. PROCEDURES RELATING TO EMPLOYMENT-RE-**
2 **LATED EXCHANGES OF RECORDS AND INFOR-**
3 **MATION.**

4 Section 534 of title 28, United States Code, is
5 amended by adding at the end the following:

6 “(g) EMPLOYMENT WITH FEDERAL GOVERNMENT
7 OR FEDERAL CONTRACTOR.—

8 “(1) PROCEDURES TO ENSURE ACCURACY OF
9 RECORDS.—The Attorney General shall by rule pro-
10 vide for procedures to ensure that any records and
11 information exchanged under this section for pur-
12 poses of employment background checks are as accu-
13 rate and complete as is reasonably possible.

14 “(2) NECESSARY ELEMENTS OF PROCE-
15 DURES.—The procedure under paragraph (1) shall
16 ensure that, if a record or information is determined
17 to be inaccurate or incomplete, then not later than
18 10 days after a request for an exchange of the
19 record or information is made and prior to releasing
20 the record or information to the requesting entity,
21 the Attorney General shall correct or, if appropriate,
22 delete or amend that information, and—

23 “(A) conduct research in whatever State
24 and local recordkeeping systems are available in
25 order to obtain complete data;

1 “(B) maintain a disposition document
2 database that contains information obtained
3 pursuant to subparagraph (A) that cannot oth-
4 erwise be posted or maintained and searched in
5 other databases;

6 “(C) search the disposition document data-
7 base established pursuant to subparagraph (B)
8 and any other Federal databases that contain
9 relevant disposition information; and

10 “(D) notify each appropriate reporting ju-
11 risdiction of any updated information obtained
12 pursuant to this paragraph.

13 “(3) COMPLETENESS OF RECORD OR INFORMA-
14 TION.—For purposes of this subsection, a record or
15 information is incomplete if that record or informa-
16 tion indicates that an arrest was made and does not
17 include the disposition of that arrest.

18 “(4) OPPORTUNITY TO REVIEW RECORDS OR
19 INFORMATION.—In connection with an exchange of a
20 record or information under this section for purposes
21 of employment background checks, the Attorney
22 General shall, prior to the exchange—

23 “(A) obtain a statement of consent signed
24 by the subject of such record or information au-

1 thorizing the exchange of a record or informa-
2 tion;

3 “(B) provide the applicant an opportunity
4 to obtain a copy of the record or information
5 upon request and to challenge the accuracy and
6 completeness of that record or information;

7 “(C) promptly notify the requesting entity
8 of any such challenge;

9 “(D) not later than 30 days after the chal-
10 lenge is made, complete an investigation of the
11 challenge;

12 “(E) provide to the applicant the specific
13 findings and results of that investigation; and

14 “(F) enter such findings in the disposition
15 document database established pursuant to
16 paragraph (2)(B).

17 “(5) REPORT OF ATTORNEY GENERAL.—Not
18 later than 2 years after the date of enactment of
19 this Act, the Attorney General shall submit a report
20 to Congress that includes—

21 “(A) the number of requests for informa-
22 tion made under this section;

23 “(B) appropriate statistical information to
24 determine whether the exchange of records or
25 information about arrests that did not result in

1 convictions is affecting the employment oppor-
2 tunities of applicants to whom those records or
3 information pertain;

4 “(C) any prolonged failure of a reporting
5 jurisdiction to comply with a request by the At-
6 torney General for information about disposi-
7 tions of arrests;

8 “(D) the percentage of missing arrest dis-
9 positions located within the time limit required
10 by this Act; and

11 “(E) the number of successful and unsuc-
12 cessful challenges to the accuracy and complete-
13 ness of records or information.

14 “(6) CERTAIN OTHER PARTIES INCLUDED AS
15 AUTHORIZED OFFICIALS FOR EXCHANGES UNDER
16 THIS SUBSECTION.—For purposes of exchanges
17 under this subsection, the term ‘employment back-
18 ground checks’ includes background investigations
19 authorized by Executive Order 10450, background
20 investigations authorized by Homeland Security
21 Presidential Directive 12, and any exchanges made
22 pursuant to section 70105(d) of title 46, United
23 States Code.”.

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