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April 6, 2016

**Oppose the Airport Security Enhancement and Oversight Act (S. 2361) as an Amendment to
H.R. 636, The FAA Reauthorization Act**

Dear Senators:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations, we write to oppose any efforts to increase background checks on aviation workers. In particular, we are opposed to the inclusion of the Airport Security Enhancement and Oversight Act (S. 2361) or related text as an amendment to H.R. 636, The FAA Reauthorization Act, which is currently under consideration in the Senate. As drafted, S.2361 would undermine reforms around the nation that have reduced barriers to employment of people with criminal records, thus representing a serious setback for the bipartisan criminal justice reform movement.

The Airport Security Enhancement and Oversight Act would alter the requirements for airport workers to obtain Secure Identification Display Area (SIDA) badges by instructing the Transportation Security Administration (TSA) Administrator to propose increasing the lookback period on many aviation workers' employment background checks from 10 years to 15 years. This provision undermines the goal of promoting rehabilitation, and it conflicts with the substantial research documenting that criminal history lookback periods should not extend back more than seven years.¹

The bill also instructs the TSA Administrator to consider increasing disqualifying criminal offenses to include crimes that do not appear to be related to transportation security. These reforms would have far reaching impact and exacerbate barriers to reentry. As many as one in three Americans have a criminal record and nearly half of U.S. children have a parent with a criminal record, creating life-long barriers to opportunity, including employment, for entire families. This change will also have an overwhelming discriminatory impact on communities of color, who have been hardest hit by a flawed criminal justice system. Moreover, this proposal does not account for the compelling evidence documenting the impact of gainful employment on those who have previously been convicted of a crime. Full integration into society is essential to successful anti-terror programs and efforts to lower recidivism rates. By requiring the dismissal of many current employees who have worked in a position for years, the legislation ignores these widely accepted principles.

We do support some elements of this legislation. The bill would create a waiver process for those who are denied credentials. This would ensure the consideration of circumstances from which it may be concluded that an individual does not pose a risk of terrorism or to security. The waiver process would consider the circumstances surrounding an offense, restitution, mitigation remedies, and other factors. This provision is modeled on a very successful

¹ (See Alfred Blumstein & Kiminori Nakamura, "Redemption" in an Era of Widespread Criminal Background Checks, National Institute of Justice Journal, Issue No. 263 (June 2009)).



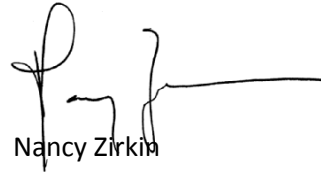
program in the Transportation Worker Identification Credential (TWIC), a credential that is similar to a SIDA, which is used at secure areas of port facilities.

We strongly encourage you oppose the inclusion of any amendment providing blanket categorical exclusions that would increase background checks on aviation workers and act as additional barriers to the employment of people with criminal records. Thank you for your consideration. If you have any questions, please feel free to contact Sakira Cook at cook@civilrights.org or 202-263-0284.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President