

**Statement for the Record from Ranking Member Robert C.
“Bobby” Scott on the *SHARE Act*’s Amendment in the Nature of a
Substitute**

- An interstate compact is a legally binding agreement between two or more states which facilitate formal relationships and, at times, create joint entities to address specific issues or further a policy agenda.
- Interstate compacts help harmonize or standardize policies and procedures across different states.
- Over the last decade, states have increasingly banded together to establish interstate compacts for occupational licenses as each state can have a wide range of different requirements and processes for the same profession.

- According to the National Center for Interstate Compacts, there are 21 occupational licensure interstate compacts, of which 17 are for occupations in health care. Several of these licensure compacts have a membership of over 40 states, including the Interstate Medical Licensure Compact and the Nurse Licensure Compact.
- These compacts help streamline the ability of professionals, particularly health care providers, to practice across member states with one multi-state license, rather than being required to embark on the onerous process of securing an individual license in every state they wish to practice.
- Whether an individual is seeking to obtain certain occupational licenses, such as to be a physician or a nurse, in one state or a multi-state license under a compact, they are required to undergo a criminal history background check.
- These background checks for either a single- or multi-state license are conducted by the state. In licensure compacts, member states

conduct these checks using criminal history information from the FBI, which holds federal criminal records and criminal records from states that voluntarily provide them.

- In 1972, Congress authorized the FBI to share criminal history record information with state and local governments for employment and licensing purposes. However, in order to receive an individual's record, a requesting public entity must be authorized by state law, which is also required to be approved by the U.S. Attorney General.
- These compacts are intended to streamline licensing; however, member states have run into various roadblocks with the FBI over access to criminal history record information.
- Although states in these licensure compacts have enacted similar or identical legislation to become a member and obtain records held by the FBI, the FBI has been inconsistent in approving access

due to a variation in comprehension of compacts' structure and legal interpretations of state statutes.

- These inconsistencies have delayed the implementation of these compacts and the participation of select states by years.
- States and stakeholders have been working with the FBI to resolve access issues, including by passing new and revised legislation which the FBI has also interpreted inconsistently.
- Given this issue, I will be supporting H.R. 2332, the *States Handling Access to Reciprocity for Employment Act*, or the *SHARE Act*.
- The *SHARE Act* requires the FBI to provide criminal history record information to state occupational licensing entities for the purpose of conducting background checks for those seeking to practice across a licensure compact's membership.

- The bill prohibits the sharing of criminal records with a different state entity, the commission of a compact, and the public.

However, it specifies that states are allowed to notify a compact's commission whether an individual passed or failed a background check.

- The *SHARE Act* would ensure the consistent and timely administration of licensure compacts.
- It also importantly does not dictate what is or is not disqualifying in an applicant's criminal record. This allows states to continue to govern background checks for occupational licensing and implement reforms to eliminate barriers for those with a criminal record seeking a license.
- At a time when America is facing a significant and growing shortage across various health professions, the *SHARE Act* offers a simple technical fix for communities to have access to the doctors and health care they need.

- I urge my colleague to support this bill. I yield back.