

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**117-49**

**OFFERED BY MR. COHEN OF TENNESSEE**

Add at the end the following:

1 **TITLE VI—USE OF CREDIT**  
2 **CHECKS PROHIBITED FOR**  
3 **EMPLOYMENT PURPOSES.**

4 **SEC. 601. USE OF CREDIT CHECKS PROHIBITED FOR EM-**  
5 **PLOYMENT PURPOSES.**

6 Section 604 of the Fair Credit Reporting Act (15  
7 U.S.C. 1681b) is amended—

8 (1) in subsection (a)(3)(B), by inserting “, sub-  
9 ject to the requirements of subsection (b)” after  
10 “purposes”; and

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) by amending the paragraph head-  
14 ing to read as follows: “USE OF CON-  
15 SUMER REPORTS FOR EMPLOYMENT PUR-  
16 POSES”;

17 (ii) in subparagraph (A), by redesignig-  
18 nating clauses (i) and (ii) as subclauses (I)

1 and (II), respectively, and by moving such  
2 subclauses two ems to the right;

3 (iii) by redesignating subparagraphs  
4 (A) and (B) as clauses (i) and (ii), respec-  
5 tively, and by moving such clauses two ems  
6 to the right;

7 (iv) by striking the period at the end  
8 of clause (ii) (as so redesignated) and in-  
9 serting “; and”;

10 (v) by striking “agency may furnish”  
11 and inserting “agency—  
12 “(A) may furnish”; and

13 (vi) by adding at the end the following  
14 new subparagraph:

15 “(B) except as provided in paragraph (5),  
16 may not furnish a consumer report with respect  
17 to any consumer in which any information con-  
18 tained in the report bears on the consumer’s  
19 creditworthiness, credit standing, or credit ca-  
20 pacity to an employer if the employer seeks to  
21 use such information in a denial of employment  
22 or any other decision made for employment pur-  
23 poses.”; and

24 (B) by adding at the end the following new  
25 paragraph:

1           “(5) REQUIREMENTS FOR CONSUMER REPORTS  
2           BEARING ON THE CONSUMER’S CREDITWORTHINESS,  
3           CREDIT STANDING, OR CREDIT CAPACITY.—

4           “(A) EXCEPTIONS.—An employer may use  
5           a consumer report with respect to any con-  
6           sumer in which any information contained in  
7           the report bears on the consumer’s credit-  
8           worthiness, credit standing, or credit capacity  
9           in a decision made for employment purposes or  
10          before taking an adverse action for employment  
11          purposes only if the consumer authorizes the  
12          procurement of the report as described in para-  
13          graph (2)(A)(ii) and—

14                  “(i) the consumer applies for, or cur-  
15                  rently holds, employment that requires the  
16                  consumer to be eligible for access to classi-  
17                  fied information; or

18                  “(ii) when otherwise required by law.

19          “(B) LIMITATION.—A person who seeks to  
20          obtain or use a consumer report with respect to  
21          any consumer in which any information con-  
22          tained in the report bears on the consumer’s  
23          creditworthiness, credit standing, or credit ca-  
24          pacity may not deny employment to the con-  
25          sumer or make any other decision for employ-

1           ment purposes with respect to the consumer be-  
2           cause the consumer has not authorized the pro-  
3           curement of the report as described in para-  
4           graph (2)(A)(ii).”.

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