AMENDMENT TO THE RULES COMMITTEE PRINT
117–49
OFFERED BY MR. COHEN OF TENNESSEE

Add at the end the following:

TITLE VI—USE OF CREDIT CHECKS PROHIBITED FOR EMPLOYMENT PURPOSES.

SEC. 601. USE OF CREDIT CHECKS PROHIBITED FOR EMPLOYMENT PURPOSES.

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

(1) in subsection (a)(3)(B), by inserting “, subject to the requirements of subsection (b)” after “purposes”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by amending the paragraph heading to read as follows: “USE OF CONSUMER REPORTS FOR EMPLOYMENT PURPOSES”;

(ii) in subparagraph (A), by redesignating clauses (i) and (ii) as subclauses (I)
and (II), respectively, and by moving such subclauses two ems to the right;

(iii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses two ems to the right;

(iv) by striking the period at the end of clause (ii) (as so redesignated) and inserting ‘‘; and’’;

(v) by striking ‘‘agency may furnish’’ and inserting ‘‘agency—

‘‘(A) may furnish’’; and

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

‘‘(B) except as provided in paragraph (5), may not furnish a consumer report with respect to any consumer in which any information contained in the report bears on the consumer’s creditworthiness, credit standing, or credit capacity to an employer if the employer seeks to use such information in a denial of employment or any other decision made for employment purposes.’’; and

(B) by adding at the end the following new paragraph:
“(5) REQUIREMENTS FOR CONSUMER REPORTS

BEARING ON THE CONSUMER’S CREDITWORTHINESS,
CREDIT STANDING, OR CREDIT CAPACITY.—

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

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

“(ii) when otherwise required by law.

“(B) LIMITATION.—A person who seeks to
obtain or use a consumer report with respect to
any consumer in which any information con-
tained in the report bears on the consumer’s
creditworthiness, credit standing, or credit ca-
capacity may not deny employment to the con-
sumer or make any other decision for employ-
ment purposes with respect to the consumer because the consumer has not authorized the procurement of the report as described in paragraph (2)(A)(ii).”.