AMENDMENT TO THE SENATE AMENDMENTS TO H.R. 22
OFFERED BY MR. MURPHY OF FLORIDA

Add at the end of division F the following:

SEC. 62002. USE OF CREDIT CHECKS PROHIBITED FOR EMPLOYMENT PURPOSES.

(a) Prohibition for Employment and Adverse Action.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) in subsection (a)(3)(B), by inserting “within the restrictions set forth in subsection (b)” after “purposes”;

(2) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(3) by inserting after subsection (a) the following new subsection:

“(b) Use of Certain Consumer Report Prohibited for Employment Purposes or Adverse Action.—

“(1) General prohibition.—Except as provided in paragraph (3), a person, including a prospective employer or current employer, may not use a consumer report or investigative consumer report,
or cause a consumer report or investigative con-
sumer report to be procured, with respect to any
consumer where any information contained in the re-
port bears on the creditworthiness, credit standing,
or credit capacity of the consumer—

“(A) for employment purposes; or

“(B) for making an adverse action, as de-
scribed in section 603(k)(1)(B)(ii).

“(2) Source of consumer report irrele-
vant.—The prohibition described in paragraph (1)
shall apply even if the consumer consents or other-
wise authorizes the procurement or use of a con-
sumer report for employment purposes or in connec-
tion with an adverse action with respect to the con-
sumer.

“(3) Exceptions.—Notwithstanding the prohi-
bitions set forth in this subsection, and consistent
with the other sections of this Act, an employer may
use a consumer report with respect to a consumer
in the following situations:

“(A) When the consumer applies for, or
currently holds, employment that requires na-
tional security clearance.

“(B) When otherwise required by law.
“(4) Effect on Disclosure and Notification Requirements.—The exceptions described in paragraph (3) shall have no effect upon the other requirements of this Act, including requirements in regards to disclosure and notification to a consumer when permissibly using a consumer report for employment purposes or for making an adverse action against the consumer.”.

(b) Conforming Amendments and Cross References.—The Fair Credit Reporting Act is further amended as follows:

(1) In section 603 (15 U.S.C. 1681a)—

(A) in subsection (d)(3), by striking “604(g)(3)” and inserting “604(h)(3)”; and

(B) in subsection (o), by striking “A” and inserting “Subject to the restrictions set forth in subsection 604(b), a”.

(2) In section 604 (15 U.S.C. 1681b)—

(A) in subsection (a), by striking “subsection (c)” and inserting “subsection (d)”;

(B) in subsection (c), as redesignated by subsection (a)(2) of this section—

(i) in paragraph (2)(A), by inserting “and subject to the restrictions set forth in
subsection (b)” after “subparagraph (B)”;
and
(ii) in paragraph (3)(A), by inserting “and subject to the restrictions set forth in subsection (b)” after “subparagraph (B)”;
(C) in subsection (d)(1), as redesignated by subsection (a)(2) of this section, by striking “subparagraph (e)” in both places that term appears and inserting “subparagraph (f)”;
and
(D) in subsection (f), as redesignated by subsection (a)(2) of this section—
(i) in paragraph (1), by striking “subsection (c)(1)(B)” and inserting “subsection (d)(1)(B)”;
and
(ii) in paragraph (5), by striking “subsection (c)(1)(B)” and inserting “subsection (d)(1)(B)”.


(4) In section 609 (15 U.S.C. 1681g)—
(A) in subsection (a)(3)(C)(i), by striking “604(b)(4)(E)(i)” and inserting “604(c)(4)(E)(i)”;
and
(B) in subsection (a)(3)(C)(ii), by striking “604(b)(4)(A)” and inserting “604(e)(4)(A)”.

(5) In section 613(b) (15 U.S.C. 1681k(b)) by striking section “604(b)(4)(A)” and inserting “section 604(c)(4)(A)”.

(6) In section 615 (15 U.S.C. 1681m)—

(A) in subsection (d)(1), by striking “section 604(c)(1)(B)” and inserting “section 604(d)(1)(B)”;

(B) in subsection (d)(1)(E), by striking “section 604(e)” and inserting “section 604(f)”;

(C) in subsection (d)(2)(A), by striking “section 604(e)” and inserting “section 604(f)”.

☐