

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

Add at the end of division F the following:

1 **SEC. 62002. USE OF CREDIT CHECKS PROHIBITED FOR EM-**
2 **PLOYMENT PURPOSES.**

3 (a) PROHIBITION FOR EMPLOYMENT AND ADVERSE
4 ACTION.—Section 604 of the Fair Credit Reporting Act
5 (15 U.S.C. 1681b) is amended—

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

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

11 (3) by inserting after subsection (a) the fol-
12 lowing new subsection:

13 “(b) USE OF CERTAIN CONSUMER REPORT PROHIB-
14 ITED FOR EMPLOYMENT PURPOSES OR ADVERSE AC-
15 TION.—

16 “(1) GENERAL PROHIBITION.—Except as pro-
17 vided in paragraph (3), a person, including a pro-
18 spective employer or current employer, may not use
19 a consumer report or investigative consumer report,

1 or cause a consumer report or investigative con-
2 sumer report to be procured, with respect to any
3 consumer where any information contained in the re-
4 port bears on the creditworthiness, credit standing,
5 or credit capacity of the consumer—

6 “(A) for employment purposes; or

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

9 “(2) SOURCE OF CONSUMER REPORT IRRELE-
10 VANT.—The prohibition described in paragraph (1)
11 shall apply even if the consumer consents or other-
12 wise authorizes the procurement or use of a con-
13 sumer report for employment purposes or in connec-
14 tion with an adverse action with respect to the con-
15 sumer.

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

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

24 “(B) When otherwise required by law.

1 “(4) EFFECT ON DISCLOSURE AND NOTIFICA-
2 TION REQUIREMENTS.—The exceptions described in
3 paragraph (3) shall have no effect upon the other re-
4 quirements of this Act, including requirements in re-
5 gards to disclosure and notification to a consumer
6 when permissibly using a consumer report for em-
7 ployment purposes or for making an adverse action
8 against the consumer.”.

9 (b) CONFORMING AMENDMENTS AND CROSS REF-
10 ERENCES.—The Fair Credit Reporting Act is further
11 amended as follows:

12 (1) In section 603 (15 U.S.C. 1681a)—

13 (A) in subsection (d)(3), by striking
14 “604(g)(3)” and inserting “604(h)(3)”; and

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

18 (2) In section 604 (15 U.S.C. 1681b)—

19 (A) in subsection (a), by striking “sub-
20 section (e)” and inserting “subsection (d)”; and

21 (B) in subsection (e), as redesignated by
22 subsection (a)(2) of this section—

23 (i) in paragraph (2)(A), by inserting
24 “and subject to the restrictions set forth in

1 subsection (b)” after “subparagraph (B)”;

2 and

3 (ii) in paragraph (3)(A), by inserting

4 “and subject to the restrictions set forth in

5 subsection (b)” after “subparagraph (B)”;

6 (C) in subsection (d)(1), as redesignated

7 by subsection (a)(2) of this section, by striking

8 “subsection (e)” in both places that term ap-

9 pears and inserting “subsection (f)”; and

10 (D) in subsection (f), as redesignated by

11 subsection (a)(2) of this section—

12 (i) in paragraph (1), by striking “sub-

13 section (c)(1)(B)” and inserting “sub-

14 section (d)(1)(B)”;

15 (ii) in paragraph (5), by striking

16 “subsection (c)(1)(B)” and inserting “sub-

17 section (d)(1)(B)”.

18 (3) In section 607(e)(3)(A) (15 U.S.C.

19 1681e(e)(3)(A)), by striking “604(b)(4)(E)(i)” and

20 inserting “604(c)(4)(E)(i)”.

21 (4) In section 609 (15 U.S.C. 1681g)—

22 (A) in subsection (a)(3)(C)(i), by striking

23 “604(b)(4)(E)(i)” and inserting

24 “604(c)(4)(E)(i)”;

1 (B) in subsection (a)(3)(C)(ii), by striking
2 “604(b)(4)(A)” and inserting “604(c)(4)(A)”.

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

6 (6) In section 615 (15 U.S.C. 1681m)—

7 (A) in subsection (d)(1), by striking “sec-
8 tion 604(c)(1)(B)” and inserting “section
9 604(d)(1)(B)”;

10 (B) in subsection (d)(1)(E), by striking
11 “section 604(e)” and inserting “section
12 604(f)”;

13 (C) in subsection (d)(2)(A), by striking
14 “section 604(e)” and inserting “section
15 604(f)”.

