

119TH CONGRESS
1ST SESSION

H. R. 5354

To amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2025

Mr. COHEN (for himself, Mr. DAVIS of Illinois, Mr. MULLIN, Ms. NORTON, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Employment
5 for All Act of 2025”.

1 **SEC. 2. USE OF CREDIT CHECKS PROHIBITED FOR EMPLOY-**
2 **MENT 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 “sub-
7 ject to the requirements set forth in subsection (b)”
8 after “purposes”;

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

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,
20 or cause a consumer report or investigative con-
21 sumer report to be procured, with respect to any
22 consumer where any information contained in the re-
23 port bears on the creditworthiness, credit standing,
24 or credit capacity of the consumer—

25 “(A) for employment purposes; or

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

3 “(2) SOURCE OF CONSUMER REPORT IRRELE-
4 VANT.—The prohibition described in paragraph (1)
5 shall apply regardless of whether the consumer con-
6 sents or otherwise authorizes the procurement or use
7 of a consumer report or investigative consumer re-
8 port for employment purposes or in connection with
9 an adverse action described in section
10 603(k)(1)(B)(ii) with respect to the consumer.

11 “(3) EXCEPTIONS.—Notwithstanding the prohi-
12 bitions set forth in this subsection, an employer may
13 use a consumer report or investigative consumer re-
14 port with respect to a consumer in the following sit-
15 uations:

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

19 “(B) When otherwise required by law.

20 “(4) EFFECT ON DISCLOSURE AND NOTIFICA-
21 TION REQUIREMENTS.—The exceptions described in
22 paragraph (3) shall have no effect upon the other re-
23 quirements of this Act, including requirements in re-
24 gards to disclosure and notification to a consumer
25 when permissibly using a consumer report or inves-

1 tigtative consumer report for employment purposes or
2 for making an adverse action described in section
3 603(k)(1)(B)(ii) against the consumer.”; and

4 (4) in subsection (c), as so redesignated—

5 (A) in paragraph (1)—

6 (i) by amending the paragraph head-
7 ing to read as follows: “USE OF CON-
8 SUMER REPORTS FOR EMPLOYMENT PUR-
9 POSES”;

10 (ii) in subparagraph (A), by redesign-
11 ating clauses (i) and (ii) as subclauses (I)
12 and (II), respectively, and by moving such
13 subclauses two ems to the right;

14 (iii) by redesignating subparagraphs
15 (A) and (B) as clauses (i) and (ii), respec-
16 tively, and by moving such clauses two ems
17 to the right;

18 (iv) by striking the period at the end
19 of clause (ii) (as so redesignated) and in-
20 serting “; and”;

21 (v) by striking “agency may furnish”
22 and inserting “agency—

23 “(A) may furnish”; and

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

1 “(B) except as provided in paragraph (5),
2 may not furnish a consumer report with respect
3 to any consumer in which any information con-
4 tained in the report bears on the consumer’s
5 creditworthiness, credit standing, or credit ca-
6 pacity to an employer if the employer seeks to
7 use such information in a denial of employment
8 or any other decision made for employment pur-
9 poses.”; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(5) REQUIREMENTS FOR CONSUMER REPORTS
13 BEARING ON THE CONSUMER’S CREDITWORTHINESS,
14 CREDIT STANDING, OR CREDIT CAPACITY.—

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

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

5 “(ii) when otherwise required by law.

6 “(B) LIMITATION.—A person who seeks to
7 obtain or use a consumer report with respect to
8 any consumer in which any information con-
9 tained in the report bears on the consumer’s
10 creditworthiness, credit standing, or credit ca-
11 pacity may not deny employment to the con-
12 sumer or make any other decision for employ-
13 ment purposes with respect to the consumer be-
14 cause the consumer has not authorized the pro-
15 curement of the report as described in para-
16 graph (2)(A)(ii).”.

17 (b) CONFORMING AMENDMENTS AND CROSS REF-
18 ERENCES.—The Fair Credit Reporting Act is further
19 amended as follows:

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

21 (A) in subsection (d)(3), by striking
22 “604(g)(3)” and inserting “604(h)(3)”; and

23 (B) in subsection (o), by striking “A com-
24 munication” and inserting “Subject to the re-

1 restrictions set forth in subsection 604(b), a com-
2 munication”.

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

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

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

8 (i) in paragraph (2)(A), by inserting
9 “and subject to the restrictions set forth in
10 subsection (b)” after “subparagraph (B)”;
11 and

12 (ii) in paragraph (3)(A), by inserting
13 “and subject to the restrictions set forth in
14 subsection (b)” after “subparagraph (B)”;

15 (C) in subsection (d)(1), as redesignated
16 by subsection (a)(2) of this section, by striking
17 “subsection (e)” in both places that term ap-
18 pears and inserting “subsection (f)”;

19 (D) in subsection (f), as redesignated by
20 subsection (a)(2) of this section—

21 (i) in paragraph (1), by striking “sub-
22 section (c)(1)(B)” and inserting “sub-
23 section (d)(1)(B)”;

1 (ii) in paragraph (5), by striking
2 “subsection (c)(1)(B)” and inserting “sub-
3 section (d)(1)(B)”.

4 (3) In section 607(e)(3)(A) (15 U.S.C.
5 1681e(e)(3)(A)), by striking “604(b)(4)(E)(i)” and
6 inserting “604(c)(4)(E)(i)”.

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

8 (A) in subsection (a)(3)(C)(i), by striking
9 “604(b)(4)(E)(i)” and inserting
10 “604(c)(4)(E)(i)”; and

11 (B) in subsection (a)(3)(C)(ii), by striking
12 “604(b)(4)(A)” and inserting “604(c)(4)(A)”.

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

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

17 (A) in subsection (d)(1), by striking “sec-
18 tion 604(c)(1)(B)” and inserting “section
19 604(d)(1)(B)”;

20 (B) in subsection (d)(1)(E), by striking
21 “section 604(e)” and inserting “section
22 604(f)”; and

1 (C) in subsection (d)(2)(A), by striking
2 “section 604(e)” and inserting “section
3 604(f)”.

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