



SUPPORT [S.J. Res. 133](#) to Prevent Americans from Being Wrongly Denied a Job or Housing due to Outdated or Inaccurate Background Screenings

In 2024, the Consumer Financial Protection Bureau (CFPB) cracked down on error-ridden background screening reports by issuing guidance to remind background screening companies that they must use reasonable procedures to ensure that their reports are accurate. But in a rule submitted to Congress, the Trump CFPB rescinded that guidance, increasing the risk that consumers are denied work or housing due to outdated or inaccurate criminal or eviction information in their reports.

Senator Blunt Rochester’s joint resolution of congressional disapproval would undo the Trump CFPB decision and restore the earlier rule: “Fair Credit Reporting; Background Screening.”

Endorsers: National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Center for Responsible Lending, Protect Borrowers, Americans for Financial Reform, National Community Reinvestment Coalition

Key Points

- **Background screening reports have an enormous impact on Americans’ lives.** The vast majority of employers and landlords use these reports to evaluate prospective employees and tenants. They include criminal records and, for tenant screening, eviction records.
- **Background screening reports can contain errors that hurt consumers.** For example, a report may improperly include sealed or expunged criminal or eviction records—undermining state laws designed to give people a second chance after they’ve paid their debt to society. Reports can also include misleadingly incomplete information, such as an eviction record that fails to report that the tenant won the case or the eviction was dismissed. Workers and rental housing applicants are regularly denied jobs and housing because of these kinds of errors.
- **The Biden CFPB issued guidance to crack down on error-ridden background screening reports.** In 2024, the Biden CFPB issued an [advisory opinion](#) stating that the Fair Credit Reporting Act (FCRA) requires companies to use reasonable procedures to produce accurate background screening reports, such as procedures to prevent duplicative, sealed, or expunged information from appearing in a background report. It also required that reports include available disposition information (e.g., if a dismissed criminal charge is included on the report, it must include the fact that it was dismissed).
- **The Trump Administration withdrew this rule, and this JRD seeks to restore it.** Although underlying statutes like the FCRA continue to protect consumers from shoddy background screening practices, the Trump Administration’s rescission of guidance clarifying background screening companies’ specific obligations creates uncertainty about compliance expectations and signals to bad actors that they have leeway to use poor screening tactics that can cost Americans jobs and housing without fear of facing any real consequences from the current CFPB. It is critical for Congress to restore the earlier guidance.