



SUPPORT [S.J.Res. 140](#) to Stop Consumers from Being Denied a Job or Housing due to Insufficient Consumer Reporting Company Due Diligence Practices

In 2021, the Consumer Financial Protection Bureau (CFPB) cracked down on insufficient consumer reporting company due diligence practices and issued guidance to remind companies that they may not match information to a particular consumer based only on whether the consumer's first and last name are identical—or similar to—the name associated with the information. But in a rule submitted to Congress, the Trump CFPB rescinded that guidance, increasing the likelihood that Americans may be wrongly denied a job or an apartment due to insufficient background screening practices.

Senator Warnock's joint resolution of disapproval would undo the Trump CFPB decision and restore the earlier rule: "Fair Credit Reporting; Name-Only Matching Procedures."

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 the lives of Americans because the vast majority of employers and landlords use them to evaluate prospective employees and tenants.** These reports include criminal records and, for tenant screening, eviction records.
- **Name-only matching happens when a consumer reporting company matches information to a consumer based only on whether the consumer's first and last names are identical—or similar to—the names associated with the information.** While Equifax, Experian, and TransUnion have stopped using name-only matching, other companies still do, including some tenant and background screening companies. This results in people being tagged with someone else's criminal or eviction record and unfairly being denied a job or a place to live.
- **The Biden CFPB issued guidance to crack down on name-only matching.** In 2021, the CFPB issued an [advisory opinion](#) to protect consumers by reminding credit reporting companies that using name-only matching or other insufficient identifiers violates the Fair Credit Report Act (FCRA). The CFPB also made clear that if a credit reporting company obtains information from a data broker or other source that uses name-only matching, they should not include information from that source without taking extra steps to ensure there is a proper match.
- **The Trump Administration withdrew this commonsense guidance, and this JRD seeks to restore it.** Although the underlying statutes like the FCRA continue to prohibit illegal consumer reporting practices, the Trump Administration's rescission of this guidance signals to bad actors that they have more leeway to include data belonging to the wrong consumer on tenant and employment screening reports, without fear of facing any real consequences from the current CFPB. It is critical for Congress to restore the earlier guidance.