

## Recommendations on H.R. 4018 The Consumer Protection and Choice Act

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Submitted by SEARCH, The National Consortium for Justice Information and Statistics<sup>1</sup>

**Background:** The Consumer Protection and Choice Act is intended to amend the Truth in Lending Act to establish deferred presentment transaction requirements. Under the legislation, a deferred presentment law means a law or regulation of a State that provides for the licensing of deferred presentment providers and the regulation of deferred presentment transactions. According to the bill, this law or regulation must require a deferred presentment provider to be licensed by the State, and provide to the State the results of a background check, including fingerprinting, of each officer and principal of the deferred presentment provider.

### **SEARCH Position:**

- SEARCH supports fingerprint-based State and national criminal history record checks for civil decisionmaking purposes, including for employment, licensing, and volunteer positions.
- SEARCH strongly supports the system that Congress and the States have funded and built in partnership with the Federal Bureau of Investigation (FBI) to cooperatively exchange criminal history record information among and between the States and the FBI.
  - The design of the existing criminal history background screening system, through the Interstate Identification Index (III), allows for fingerprint-based criminal history record searches of the FBI's database and a search of the records in all 50 states.
  - This national infrastructure has an established governance structure (National Crime Prevention and Privacy Compact Council) and policies for protecting the privacy and security of information. The infrastructure supports automated exchanges and associated agreements between States for state-to-state record exchange.

**SEARCH Recommendation:** SEARCH recommends that the sponsor of this legislation modify the language of the bill to clarify that each officer or principal of deferred presentment providers be required to undergo both a *State and national fingerprint-based criminal history record check*, using the existing national system, with its interstate agreements, privacy, and other protections in place.

**If you have any questions, please contact Kelly Harbitter ([kelly@search.org](mailto:kelly@search.org)) or  
Melissa Nee ([melissa@search.org](mailto:melissa@search.org)).**

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<sup>1</sup> SEARCH, The National Consortium for Justice Information and Statistics, is a nonprofit organization governed by a Membership Group of governor appointees from the states and territories. SEARCH Members operate the state criminal history record systems, which are used to provide criminal history records information for criminal and civil background screening.