To amend the civil liability requirements under the Fair Credit Reporting Act to include requirements relating to class actions, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2017

Mr. LOUDERMILK (for himself, Mr. ROYCE of California, Mr. BUDD, Mr. KING of New York, and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the civil liability requirements under the Fair Credit Reporting Act to include requirements relating to class actions, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “FCRA Liability Har-
6 monization Act”.

SEC. 2. MAINTAINING CONSISTENCY IN CIVIL LIABILITY UNDER THE FAIR CREDIT REPORTING ACT FOR CLASS ACTIONS.

(a) WILLFUL NONCOMPLIANCE.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (1)(B), by inserting “and” after the semicolon;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (e) the following new subsection:

“(d) CLASS ACTION LAWSUITS.—With respect to a class action (as such term is defined in section 1711 of title 28, United States Code), or series of class actions arising out of the same failure to comply of a person, brought by consumers against a person who willfully fails to comply with any requirement imposed under this title, such person is liable to such consumers in such an amount as a court may determine, except that—
“(1) the court may not apply a minimum amount of damages for each member of the class; and “(2) the total recovery (excluding reasonable attorney’s fees as determined by the court) of the class shall not exceed the lesser of—

“(A) $500,000; or

“(B) 1 percent of the net worth of such person.”.

(b) NEGLIGENT NONCOMPLIANCE.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o7) is amended by adding at the end the following new subsection:

“(c) CLASS ACTION LAWSUITS.—With respect to a class action (as such term is defined in section 1711 of title 28, United States Code), or series of class actions arising out of the same failure to comply of a person, brought by consumers against a person who negligently fails to comply with any requirement imposed under this title, such person is liable to such consumers in an amount equal to the sum of any actual damages sustained by the consumers as a result of the failure, except that the total recovery (excluding reasonable attorney’s fees as determined by the court) of the class shall not exceed the lesser of—
“(1) $500,000; or

“(2) 1 percent of the net worth of such person.”.