

119TH CONGRESS
1ST SESSION

H. R. 5775

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2025

Mr. LOUDERMILK (for himself, Mrs. WAGNER, Mr. FITZGERALD, Mr. MEUSER, Mrs. KIM, and Mr. HUIZENGA) 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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FCRA Liability Har-
5 monization Act”.

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

4 (a) WILLFUL NONCOMPLIANCE.—Section 616 of the
5 Fair Credit Reporting Act (15 U.S.C. 1681n) is amend-
6 ed—

7 (1) in subsection (a)—

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

10 (B) by striking paragraph (2);

11 (C) by redesignating paragraph (3) as
12 paragraph (2); and

13 (D) in paragraph (2), as redesignated by
14 subparagraph (C), by striking “as determined
15 by the court.” and inserting “as determined by
16 the court, in an amount that does not exceed
17 the lesser of—

18 “(A) \$100,000; or

19 “(B) the amount that is 40 percent of any
20 damages awarded under paragraph (1)(A).”;

21 (2) by redesignating subsection (d) as sub-
22 section (e); and

23 (3) by inserting after subsection (c) the fol-
24 lowing new subsection:

25 “(d) CLASS ACTION LAWSUITS.—With respect to a
26 class action brought by a class made up of consumers

1 against a person who willfully fails to comply with a re-
2 quirement imposed under this title, such person shall be
3 liable to such consumers in such an amount as a court
4 may determine, except that—

5 “(1) the court may not apply a minimum
6 amount of damages for each member of the class;

7 “(2) the total recovery (excluding reasonable at-
8 torney’s fees as determined by the court) of the class
9 may not exceed the lesser of—

10 “(A) \$500,000; or

11 “(B) 1 percent of the net worth of such
12 person; and

13 “(3) the costs of the action together with rea-
14 sonable attorney’s fees, as determined by the court,
15 may not exceed the lesser—

16 “(A) of \$100,000;

17 “(B) the amount that is 40 percent of any
18 damages awarded by a court under this sub-
19 section; or

20 “(C) the sum of the costs of the action and
21 reasonable attorney’s fees, as determined by the
22 court, not to exceed the lower of \$100,000 or
23 an amount equal to 40 percent of actual dam-
24 ages.”.

1 (b) NEGLIGENT NONCOMPLIANCE.—Section 617 of
2 the Fair Credit Reporting Act (15 U.S.C. 1681o) is
3 amended—

4 (1) in subsection (a)(2), by striking the period
5 at the end and inserting “, not to exceed the lesser
6 of—

7 “(A) \$100,000; or

8 “(B) 40 percent of any actual damages de-
9 termined by the court.”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(c) CLASS ACTION LAWSUITS.—With respect to a
13 class action brought by consumers against a person who
14 negligently fails to comply with any requirement imposed
15 under this title, such person is liable to such consumers
16 in an amount equal to the sum of any actual damages
17 sustained by the consumers as a result of the failure, ex-
18 cept that the total recovery (excluding reasonable attor-
19 ney’s fees as determined by the court) of the class shall
20 not exceed the lesser of—

21 “(1) \$500,000;

22 “(2) 1 percent of the net worth of such person;

23 or

24 “(3) the sum of the costs of the action and rea-
25 sonable attorney’s fees, as determined by the court,

- 1 not to exceed the lower of \$100,000 or an amount
- 2 equal to 40 percent of actual damages.”.

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