The FCRA has a curious legislative history. The impulse behind the FCRA was to protect consumers from abuses of the consumer reporting industry. Nevertheless, initial consumer support for the legislation turned to opposition, and it was the consumer reporting industry that embraced the Act with enthusiasm. Moreover, the most extensive and considered hearings and discussions occurred in the House of Representatives, but the final language was drafted almost entirely by the Senate with only little regard for House considerations. While the legislation sought to respond to public clamor for access to information, the final version was drafted in secrecy without explanation about some of the key provisions of the legislation. These ironies perhaps explain some of the difficulties inherent in the current law.

In the late 1960s, Congress was concerned with a broad range of consumer protection legislation. For example, Congress enacted the Truth in Lending Act, which revolutionized disclosure of credit terms and which set standards for private enforcement of consumer protection statutes. Privacy concerns were also paramount. Representative Gallagher conducted a series of hearings which attracted wide public attention to the massive wealth of information compiled about individuals by both government and private agencies. The specter of huge data banks available electronically at the push of a button anywhere in the country loomed large. Many spoke of the urgent need to protect the rights and privacy of American citizens from “big brother.” The notions of consumer protection legislation and privacy protection coalesced and gave rise to the FCRA.

The FCRA’s legislative history is briefly discussed here for two reasons. First, the public history of the Act sheds considerable light on the general purposes and goals of the legislature. These congressional intentions can help guide judicial interpretation and application of the specific FCRA provisions. Second, the legislative history can help one understand the intent of specific FCRA provisions. Many provisions do not have any analogy in other consumer protection legislation. Some are difficult to understand on their face. Sometimes (but only sometimes) reviewing the debates of the time clarifies an issue. The material that follows sets out the legislative history in general. The broad outlines of various proposals are accompanied by various quotes and citations helping to explain the legislative authors’ intent. More specific references to legislative history are sprinkled throughout the text in discussions of particular provisions.

Source: National Consumer Law Center, Fair Credit Reporting [9th ed.], updated at www.nclc.org/library
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