Although Senator Proxmire had his day with the House of Representatives, pressing his version of the FCRA on the House by parliamentary legerdemain, he came to have second thoughts. In 1973, Senator Proxmire rose on the floor of the Senate and proposed a series of FCRA amendments reflecting earlier House and consumer concerns.\footnote{Senator Proxmire proposed direct consumer access to all files; the release of investigative reports only with the consumer's prior permission in writing; the provision of the consumer report by users who take adverse action (and if information was received from a third party, not a CRA, the disclosure of the nature of the information); the override of FTC interpretations excluding government agencies such as the Civil Service Commission from FCRA coverage; FTC rulemaking power; minimum civil liability of $100 not to exceed $1000 for willful violations (because no punitive awards had been made by the courts to date); and, most significantly, the repeal of immunity from state tort actions granted reporting agencies and others. This bill never made it out of Committee. In 1975 and in 1979, Senator Proxmire again tried to amend and strengthen the Fair Credit Reporting Act.\footnote{Neither bill ever reached the public hearing stage.}}

Acknowledging disappointment and shortcomings with the FCRA he drafted, he now proposed to correct deficiencies.

The seven proposals have proved to be an early recognition of areas where the Act has failed to achieve its original objectives. Senator Proxmire proposed direct consumer access to all files,\footnote{Senate Bill 2360, 93d Cong. (1973).} the release of investigative reports only with the consumer’s prior permission in writing;\footnote{Senate Bill 2360, 93d Cong. (1973).} the provision of the consumer report by users who take adverse action (and if information was received from a third party, not a CRA, the disclosure of the nature of the information);\footnote{Senate Bill 2360, 93d Cong. (1973).} the override of FTC interpretations excluding government agencies such as the Civil Service Commission from FCRA coverage; FTC rulemaking power;\footnote{Senate Bill 2360, 93d Cong. (1973).} minimum civil liability of $100 not to exceed $1000 for willful violations (because no punitive awards had been made by the courts to date);\footnote{Senate Bill 2360, 93d Cong. (1973).} and, most significantly, the repeal of immunity from state tort actions granted reporting agencies and others.\footnote{Senate Bill 2360, 93d Cong. (1973).} This bill never made it out of Committee. In 1975 and in 1979, Senator Proxmire again tried to amend and strengthen the Fair Credit Reporting Act.\footnote{Neither bill ever reached the public hearing stage.}

Between its passage and the 1996 Reform Act, the FCRA was only infrequently amended, and then only in limited ways. As part of a reform of bankruptcy laws, the time period during which bankruptcy could be reported was shortened from fourteen to ten years.\footnote{Pub. L. No. 95-598 (1978). See also § 5.2.3.8 [1], infra.} Another amendment clarified that consumer reports may be provided in response to a federal grand jury subpoena.\footnote{Pub. L. No. 101-73 (1989).} The Ted Weiss Childhood Support Enforcement Act of 1992\footnote{Pub. L. No. 102-537 (1992).} required consumer reports to include information regarding failure to pay overdue child support.

A number of bills enacted minor changes as to the responsibility of federal agencies to enforce the FCRA.\footnote{Pub. L. No. 103-325 § 339 (1994) (adding 15 U.S.C. § 1681g(a)(4)). See § 3.5.4.4 [2], infra.} A 1994 amendment required that a CRA, in disclosing to the consumer the information in the consumer’s file, must fully disclose any negative information about a consumer’s check cashing history in that file.\footnote{Pub. L. No. 103-325 § 339 (1994) (adding 15 U.S.C. § 1681g(a)(4)). See § 3.5.4.4 [2], infra.} Two isolated 1996 amendments gave the FBI the right to obtain information from CRAs for certain counterintelligence purposes and gave state and local child support enforcement agencies the right to obtain information for purposes of setting child support payment levels.\footnote{Pub. L. No. 103-325 § 339 (1994) (adding 15 U.S.C. § 1681g(a)(4)). See § 3.5.4.4 [2], infra.}

Footnotes


177 [172] The proposal would have permitted consumers to inspect the files themselves and to get a copy of all information in the files. All information would have to be disclosed, including medical reports and sources for investigative reports. A consumer would be entitled to receive a copy of any consumer report through the mail and to obtain disclosures free by long distance telephone call whenever the consumer had been turned down.


179 [174] Pub. L. No. 95-598 (1978). See also § 5.2.3.8 [1], infra.


184 (179) See § 7.2.10.4 [3], infra.

185 (180) See § 7.2.9 [4], infra.

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