

116TH CONGRESS
1ST SESSION

H. R. 3629

To amend the Fair Credit Reporting Act to establish clear Federal oversight of the development of credit scoring models by the Bureau of Consumer Financial Protection, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2019

Mr. LYNCH introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to establish clear Federal oversight of the development of credit scoring models by the Bureau of Consumer Financial Protection, 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 “Clarity in Credit Score
5 Formation Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The February 2015 report of the Bureau of
2 Consumer Financial Protection titled “Consumer
3 Voices on Credit Reports and Scores” found that
4 some consumers are reluctant to comparison shop
5 for loans and other types of consumer credit prod-
6 ucts out of fear that they will lower their credit
7 scores by doing so.

8 (2) The Bureau of Consumer Financial Protec-
9 tion found that one of the most common barriers for
10 people in reviewing their own credit reports and
11 shopping for the best credit terms was a lack of un-
12 derstanding of the differences between “soft” and
13 “hard” inquiries and whether requesting a copy of
14 their own report would adversely impact their credit
15 standing.

16 (3) The Bureau of Consumer Financial Protec-
17 tion revealed that consumers with accurate percep-
18 tions of their creditworthiness may be better
19 equipped to shop for favorable credit terms.

20 **SEC. 3. CFPB OVERSIGHT OF CREDIT SCORING MODELS.**

21 (a) IN GENERAL.—The Fair Credit Reporting Act
22 (15 U.S.C. 1681 et seq.) is amended—

23 (1) by adding at the end the following new sec-
24 tion:

1 **“§ 630. Credit scoring models**

2 “(a) VALIDATED CREDIT SCORING MODELS.—Not
3 later than 1 year after the date of the enactment of this
4 section, the Bureau shall issue final regulations applicable
5 to any person that creates, maintains, or purchases credit
6 scoring models used in making credit decisions to establish
7 standards for validating the accuracy and predictive value
8 of all such credit scoring models, both before release for
9 initial use and at regular intervals thereafter, for as long
10 as such credit scoring models are made available for pur-
11 chase or use by such person.

12 “(b) PROHIBITION.—At least once every 2 years, the
13 Bureau shall conduct a review of credit scoring models to
14 determine whether the use of any particular factors, or
15 the weight or consideration given to certain factors by
16 credit scoring models, is inappropriate, including if such
17 factors do not enhance or contribute to the accuracy and
18 predictive value of the models. Upon the conclusion of its
19 review, the Bureau may prohibit a person described in
20 subsection (a) from weighing, considering, or including
21 certain factors in, or making available for purchase or use,
22 certain credit scoring models or versions, as the Bureau
23 determines appropriate.”; and

24 (2) in the table of contents for such Act, by
25 adding at the end the following new item:

“630. Credit scoring models.”.

1 (b) RULEMAKING.—Not later than the end of the 2-
2 year period beginning on the date of the enactment of this
3 Act, the Bureau of Consumer Financial Protection shall
4 issue final rules to implement the amendments made by
5 this section.

6 **SEC. 4. CFPB STUDY AND REPORT TO CONGRESS ON THE**
7 **IMPACT OF NON-TRADITIONAL DATA.**

8 (a) STUDY.—The Bureau of Consumer Financial
9 Protection shall carry out a study to assess the impact
10 (including the availability and affordability of credit and
11 other noncredit decisions, the potential positive and nega-
12 tive impacts on consumer credit scores, and any unin-
13 tended consequences) of using traditional modeling tech-
14 niques or alternative modeling techniques to analyze non-
15 traditional data from a consumer report and of including
16 non-traditional data on consumer reports on the following:

17 (1) Consumers with no or minimal traditional
18 credit history.

19 (2) Traditionally underserved communities and
20 populations.

21 (3) Consumers residing in rural areas.

22 (4) Consumers residing in urban areas.

23 (5) Racial and ethnic minorities and women.

24 (6) Consumers across various income strata,
25 particularly consumers earning less than 120 per-

1 cent of the area median income (as defined by the
2 Secretary of Housing and Urban Development).

3 (7) Immigrants, refugees, and non-permanent
4 residents.

5 (8) Minority financial institutions (as defined
6 under section 308(b) of the Financial Institutions
7 Reform, Recovery, and Enforcement Act of 1989
8 (12 U.S.C. 1463 note)) and community financial in-
9 stitutions.

10 (9) Consumers residing in federally assisted
11 housing, including consumers receiving Federal rent-
12 al subsidies.

13 (b) ADDITIONAL CONSIDERATIONS.—In assessing
14 impacts under subsection (a), the Bureau of Consumer Fi-
15 nancial Protection shall also consider impacts on—

16 (1) the privacy, security, and confidentiality of
17 the financial, medical, and personally identifiable in-
18 formation of consumers;

19 (2) the control of consumers over how such in-
20 formation may or will be used or considered;

21 (3) the understanding of consumers of how
22 such information may be used or considered and the
23 ease with which a consumer may decide to restrict
24 or prohibit such use or consideration of such infor-
25 mation;

1 (4) potential discriminatory effects; and

2 (5) disparate outcomes the use or consideration
3 of such information may cause.

4 (c) REPORT.—Not later than 1 year after the date
5 of the enactment of this Act, the Bureau of Consumer Fi-
6 nancial Protection shall issue a report to the Committee
7 on Financial Services of the House of Representatives and
8 the Committee on Banking, Housing, and Urban Affairs
9 of the Senate containing all findings and determinations,
10 including any recommendations for any legislative or regu-
11 latory changes, made in carrying out the study required
12 under subsection (a).

13 (d) DEFINITIONS.—In this section:

14 (1) ALTERNATIVE MODELING TECHNIQUES.—
15 The term “alternative modeling techniques” means
16 statistical and mathematical techniques that are not
17 traditional modeling techniques, including decision
18 trees, random forests, artificial neural networks,
19 nearest neighbor, genetic programming, and boost-
20 ing algorithms.

21 (2) CONSUMER REPORT.—The term “consumer
22 report” has the meaning given such term in section
23 603 of the Fair Credit Reporting Act (15 U.S.C.
24 1681a).

1 (3) NON-TRADITIONAL DATA.—The term “non-
2 traditional data” means data related to tele-
3 communications, utility payments, rent payments,
4 remittances, wire transfers, data not otherwise regu-
5 larly included in consumer reports issued by con-
6 sumer reporting agencies described under section
7 603(p), and such other items as the Bureau of Con-
8 sumer Financial Protection deems appropriate.

9 (4) TRADITIONAL MODELING TECHNIQUES.—
10 The term “traditional modeling techniques” means
11 statistical and mathematical techniques (including
12 models, algorithms, linear and logistic regression
13 methods, and their outputs) that are traditionally
14 used in automated underwriting processes.

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