

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Fair Credit Reporting Act to establish the Public Credit Registry as a Federal consumer reporting agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Credit Reporting Act to establish the Public Credit Registry as a Federal consumer reporting agency, 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 “National Credit Re-
5 porting Agency Act”.

1 **SEC. 2. PUBLIC CREDIT REGISTRY.**

2 (a) IN GENERAL.—The Fair Credit Reporting Act
3 (15 U.S.C. 1681 et seq.) is amended by adding at the end
4 the following:

5 **“§ 630. Public Credit Registry**

6 “(a) ESTABLISHMENT.—There is established, as an
7 office within the Bureau, the Public Credit Registry
8 (‘PCR’), which shall act as a Federal consumer reporting
9 agency and provide consumer reports and credit scores to
10 consumers and other persons, in accordance with this title.

11 “(b) HEAD OF THE PCR.—The head of the PCR
12 shall be the Registrar, who shall be appointed by the Di-
13 rector of the Bureau.

14 “(c) ESTABLISHMENT OF CREDIT SCORING MOD-
15 ELS.—

16 “(1) ADVISORY COMMITTEE ON NEW CREDIT
17 SCORING MODELS.—The Director shall establish an
18 advisory committee consisting of stakeholders, in-
19 cluding consumer advocates, academics, lenders and
20 other members of industry, and consumers who are
21 directly affected by credit reporting errors, predatory
22 lending, and other harms of the current system, to
23 evaluate proposals for new credit scoring models,
24 with the aim of maximizing predictiveness in loan re-
25 payment and minimizing disparate impact by race,
26 gender, disability or other protected categories.

1 “(2) STUDY.—

2 “(A) IN GENERAL.—Based on findings
3 from the advisory committee under paragraph
4 (1), the PCR shall—

5 “(i) commission a research study of
6 proposed credit reporting models; and

7 “(ii) issue a report to the public and
8 Congress on the findings and results of
9 such study.

10 “(B) CONTENTS.—The study required
11 under subparagraph (A) shall include the im-
12 pact of—

13 “(i) allowing consumers to voluntarily
14 opt into the inclusion of rental payments,
15 and utility data when computing credit
16 scores;

17 “(ii) credit scores based on analysis of
18 bank account transaction or cashflow data;

19 “(iii) excluding medical debt when
20 computing credit scores;

21 “(iv) excluding payment delinquencies
22 on credit products that are determined by
23 the Director to be predatory when com-
24 puting credit scores; and

1 “(v) excluding adverse credit informa-
2 tion older than 4 years when computing
3 credit scores.

4 “(3) PROPOSED CREDIT SCORING MODELS.—
5 Based on the results of the study carried out under
6 paragraph (2), the PCR shall propose new credit
7 scoring models.

8 “(4) SOLICITATION OF PUBLIC INPUT.—The
9 PCR shall provide for a public notice and comment
10 period with respect to the proposed models under
11 paragraph (3), including conducting field hearings in
12 areas where a disproportionate number of consumers
13 have impaired credit records.

14 “(5) ADOPTION AND PUBLICATION OF NEW
15 CREDIT SCORING MODELS.—After consideration of
16 the public comments received under paragraph (4),
17 the Director of the Bureau shall—

18 “(A) issue a final rule to establish new
19 credit scoring models to be used by the PCR;
20 and

21 “(B) make such rule, and the credit scor-
22 ing model itself, available on the website of the
23 Bureau, along with plain-language explanations
24 of what factors contribute to improved or im-

1 paired credit and what consumers can do to im-
2 prove their credit.

3 “(6) REVIEW.—The Director of the Bureau
4 shall review the credit scoring models established
5 under this subsection not less often than every 10
6 years, and revise them as appropriate to maximize
7 predictiveness and minimize racial disparities.

8 “(d) ENSURING ACCURACY OF CONSUMER REPORTS
9 ISSUED BY THE PCR.—

10 “(1) ACCOUNTABILITY FOR FURNISHERS OF IN-
11 FORMATION.—

12 “(A) REGULAR ASSESSMENTS.—The Bu-
13 reau may conduct regular assessments of the
14 accuracy and completeness of information re-
15 ceived by the PCR from furnishers, as well as
16 the policies and procedures furnishers have in
17 place to ensure the accuracy and completeness
18 of the information that is furnished to the
19 PCR.

20 “(B) INACCURATE OR INCOMPLETE INFOR-
21 MATION.—The Bureau—

22 “(i) may impose a civil fine of not
23 more than \$1,000 per violation on a fur-
24 nisher of information who consistently fur-

1 nishes inaccurate or incomplete informa-
2 tion to the PCR; and

3 “(ii) may direct a furnisher who con-
4 sistently furnishes inaccurate or incomplete
5 information to develop and implement a
6 corrective action plan.

7 “(2) ROBUST METHODS TO MATCH CONSUMERS
8 TO FILES.—The PCR shall use the most robust
9 methods available to ensure that consumer reports
10 are accurate and complete, including matching infor-
11 mation to a consumer based on the full name of the
12 consumer plus either—

13 “(A) the consumer’s full date of birth; or

14 “(B) the consumer’s Social Security num-
15 ber or Individual Taxpayer Identification num-
16 ber.

17 “(e) ACCESS TO CREDIT SCORES AND CONSUMER
18 REPORTS.—The PCR shall provide consumers with their
19 consumer reports and credit scores free of charge at any
20 time.

21 “(f) PROVISION OF CREDIT COUNSELING AND CRED-
22 IT REHABILITATION SERVICES.—The PCR shall contract
23 with Bureau-vetted and licensed non-profit credit coun-
24 seling and legal services organizations to provide coun-

1 selling and legal services to consumers at low- or no-cost
2 to improve their credit.

3 “(g) CONSUMER OPT-IN REQUIREMENT.—The PCR
4 shall only collect and maintain information with respect
5 to a consumer if the consumer has notified the PCR that
6 the consumer wishes to opt in to having the PCR collect
7 and maintain such information.

8 “(h) CONSUMER RIGHT TO ELECT WHO MAY ISSUE
9 REPORTS ON THE CONSUMER.—If a consumer notifies a
10 person that the consumer elects to only have the PCR
11 issue consumer reports and credit scores with respect to
12 the consumer, it shall be unlawful for such person to re-
13 quest or use a consumer report or credit score of the con-
14 sumer from any consumer reporting agency other than the
15 PCR.

16 “(i) FURNISHING OF INFORMATION.—Any person
17 who furnishes information to a consumer reporting agency
18 other than the PCR shall also furnish such information
19 to the PCR, if the information is with respect to a con-
20 sumer who has opted-in to having the PCR collect such
21 information, pursuant to subsection (g).

22 “(j) INFORMATION TO BE PROVIDED BY PRIVATE
23 CONSUMER REPORTING AGENCIES TO THE PCR.—A con-
24 sumer reporting agency other than the PCR shall, upon
25 request of the PCR with respect to a specific consumer

1 who has opted-in to having the PCR collect such informa-
2 tion, provide the PCR with any information maintained
3 by the consumer reporting agency with respect to that con-
4 sumer.

5 “(k) REQUIREMENT ON FEDERAL AGENCIES TO USE
6 PCR.—A Federal agency may not request or use a con-
7 sumer report or credit score of a consumer from any con-
8 sumer reporting agency other than the PCR, if the con-
9 sumer has opted-in to having the PCR collect such infor-
10 mation.”.

11 (b) ADDITIONAL AMENDMENTS.—

12 (1) PCR REINVESTIGATION REQUIREMENTS.—

13 Section 611(a) of the Fair Credit Reporting Act (15
14 U.S.C. 1681i(a)) is amended—

15 (A) in paragraph (6)(B)—

16 (i) in clause (iv), by striking “and” at
17 the end;

18 (ii) in clause (v), by striking the pe-
19 riod at the end and inserting “; and”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(vi) in the case of notice under sub-
23 paragraph (A) made by the PCR, copies of
24 any documents used by the PCR to deter-

1 mine the accuracy of a disputed item.”;

2 and

3 (B) by adding at the end the following:

4 “(9) APPEAL TO THE BUREAU FROM PCR.—

5 “(A) INDEPENDENT APPEALS UNIT.—The
6 Director of the Bureau shall establish an inde-
7 pendent appeals unit within the Bureau to hear
8 appeals made under subparagraph (B).

9 “(B) APPEALS.—With respect to a reinves-
10 tigation carried out under this subsection by
11 the PCR, if the consumer is not satisfied with
12 the determination made by the PCR in such re-
13 investigation, the consumer may appeal the de-
14 termination of the PCR to the independent ap-
15 peals unit established under subparagraph (A).

16 “(10) AUTHORITY TO SUE THE PCR FOR VIOLA-
17 TIONS.—A consumer who suffers harm as a result of
18 a violation of this subsection by the PCR may bring
19 an action against the PCR in the appropriate dis-
20 trict court of the United States for damages and to
21 enjoin such violation.”.

22 (2) RESTRICTIONS ON THE FURNISHING OF
23 CONSUMER REPORTS BY THE PCR.—Section 604 of
24 the Fair Credit Reporting Act (15 U.S.C. 1681b) is
25 amended by adding at the end the following:

1 “(h) RESTRICTIONS ON THE FURNISHING OF CON-
2 SUMER REPORTS BY THE PCR.—Notwithstanding any
3 other provision of this title, the PCR may only furnish
4 a consumer report if such report is furnished—

5 “(1) to the consumer with respect to which the
6 consumer report relates; or

7 “(2) under the circumstances described under
8 paragraphs (1), (3)(A), (3)(E), (4), or (5) of sub-
9 section (a).”.

10 (3) DEFINITIONS.—Section 603 of the Fair
11 Credit Reporting Act (15 U.S.C. 1681a) is amend-
12 ed—

13 (A) in subsection (f), by inserting at the
14 end the following: “Such term also includes the
15 PCR.”;

16 (B) in subsection (p), by inserting after
17 “means” the following: “the PCR and”; and

18 (C) by adding at the end the following:

19 “(bb) PCR.—The term ‘PCR’ means the Public
20 Credit Registry.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 for the Fair Credit Reporting Act is amended by adding
23 at the end the following:

“630. Public Credit Registry.”.