

115TH CONGRESS
1ST SESSION

H. R. 898

To require Fannie Mae and Freddie Mac to establish procedures for considering certain credit scores in making a determination whether to purchase a residential mortgage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2017

Mr. ROYCE of California (for himself, Ms. SINEMA, and Ms. SEWELL of Alabama) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require Fannie Mae and Freddie Mac to establish procedures for considering certain credit scores in making a determination whether to purchase a residential mortgage, 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 “Credit Score Competi-
5 tion Act of 2017”.

6 **SEC. 2. CREDIT SCORE VALIDATION; VALIDATION PROCESS.**

7 (a) USE OF CREDIT SCORES BY FANNIE MAE IN
8 PURCHASING RESIDENTIAL MORTGAGES.—Subsection (b)

1 of section 302 of the Federal National Mortgage Associa-
2 tion Charter Act (12 U.S.C. 1717(b)) is amended by add-
3 ing at the end the following new paragraph:

4 “(7)(A) USE OF CREDIT SCORES.—The corporation
5 may condition its purchase of a residential mortgage
6 under this section on the provision of a credit score for
7 the borrower only if—

8 “(i) the credit score is derived from any
9 credit scoring model that has been validated
10 and approved by the corporation under this
11 paragraph;

12 “(ii) the corporation has established and
13 made publicly available a description of the
14 process the corporation will use to validate and
15 approve credit scoring models, which process
16 shall comply with any standards and criteria es-
17 tablished by the Director of the Federal Hous-
18 ing Finance Agency pursuant to section 1328
19 of the Federal Housing Enterprises Financial
20 Safety and Soundness Act of 1992; and

21 “(iii) the corporation provides for the use
22 of such credit score by all of its automated un-
23 derwriting systems and any other procedures
24 and systems used to purchase residential mort-
25 gages.

1 “(B) VALIDATION AND APPROVAL PROCESS.—The
2 process described in subparagraph (A)(ii) shall include an
3 evaluation of—

4 “(i) the criteria used to validate and approve a
5 credit scoring model, including measures of the in-
6 tegrity, reliability, and accuracy of such model, and
7 an assurance that such model is consistent with the
8 safe and sound operation of the corporation; and

9 “(ii) the data necessary for the validation of the
10 credit scoring model.

11 “(C) APPLICATION.—If the corporation elects to use
12 a credit score under this paragraph, the corporation shall
13 solicit applications from developers of credit scoring mod-
14 els for the validation and approval of such models under
15 the process described in subparagraph (A)(ii).

16 “(D) TIMEFRAME FOR DETERMINATION; NOTICE.—

17 “(i) IN GENERAL.—The corporation shall estab-
18 lish a date before which the corporation shall make
19 a determination with respect to any application sub-
20 mitted under subparagraph (C) and provide notice
21 of such determination to the applicant. Such date
22 shall not be later than 180 days after the date on
23 which an application is submitted to the corporation.

24 “(ii) EXTENSIONS.—The Director of the Fed-
25 eral Housing Finance Agency may authorize up to

1 2 extensions of the date established under clause (i),
2 each of which shall not exceed 30 days, upon the
3 written request and a showing of good cause by the
4 corporation.

5 “(iii) STATUS NOTICE.—The corporation shall
6 provide notice to an applicant regarding the status
7 of an application submitted under subparagraph (C)
8 not later than 60 days after the date on which the
9 application was submitted to the corporation.

10 “(iv) REASONS FOR DISAPPROVAL.—If an appli-
11 cation is disapproved, the corporation shall provide
12 to the applicant the reasons for the disapproval not
13 later than 30 days after a determination is made
14 under this subparagraph.

15 “(E) AUTHORITY OF DIRECTOR.—If the corporation
16 elects to use a credit score under this paragraph, the Di-
17 rector of the Federal Housing Finance Agency shall re-
18 quire the corporation to routinely update the validation
19 and approval process described in subparagraph (A)(ii) as
20 the Director, in the Director’s discretion, deems to be nec-
21 essary to ensure such process remains appropriate and
22 adequate and complies with any standards and criteria es-
23 tablished pursuant to section 1328 of the Federal Housing
24 Enterprises Financial Safety and Soundness Act of 1992.

1 “(F) CREDIT SCORE DEFINED.—In this paragraph,
2 the term ‘credit score’ means a numerical value or a cat-
3 egorization derived from a statistical tool or modeling sys-
4 tem used by a person who makes or arranges a loan to
5 predict the likelihood of certain credit behaviors, including
6 default.”.

7 (b) USE OF CREDIT SCORES BY FREDDIE MAC IN
8 PURCHASING RESIDENTIAL MORTGAGES.—Section 305 of
9 the Federal Home Loan Mortgage Corporation Act (12
10 U.S.C. 1454) is amended by adding at the end the fol-
11 lowing new subsection:

12 “(d)(1) USE OF CREDIT SCORES.—The Corporation
13 may condition its purchase of a residential mortgage
14 under this section on the provision of a credit score for
15 the borrower only if—

16 “(A) the credit score is derived from any credit
17 scoring model that has been validated and approved
18 by the Corporation under this subsection;

19 “(B) the Corporation has established and made
20 publicly available a description of the process the
21 corporation will use to validate and approve credit
22 scoring models, which shall comply with any stand-
23 ards and criteria established by the Director of the
24 Federal Housing Finance Agency pursuant to sec-

1 tion 1328 of the Federal Housing Enterprises Fi-
2 nancial Safety and Soundness Act of 1992; and

3 “(C) the Corporation provides for use of such
4 credit score by all of its automated underwriting sys-
5 tems and any other procedures and systems used to
6 purchase residential mortgages.

7 “(2) VALIDATION AND APPROVAL PROCESS.—The
8 process described in paragraph (1)(B) shall include an
9 evaluation of—

10 “(A) the criteria used to validate and approve
11 a credit scoring model, including measures of the in-
12 tegrity, reliability, and accuracy of such model and
13 an assurance that such model is consistent with the
14 safe and sound operation of the Corporation; and

15 “(B) the data necessary for the validation of
16 the credit scoring model.

17 “(3) APPLICATION.—If the Corporation elects to use
18 a credit score under this subsection, the Corporation shall
19 solicit applications from developers of credit scoring mod-
20 els for the validation and approval of such models under
21 the process described in paragraph (1)(B).

22 “(4) TIMEFRAME FOR DETERMINATION; NOTICE.—

23 “(A) IN GENERAL.—The Corporation shall es-
24 tablish a date before which the Corporation shall
25 make a determination with respect to any applica-

1 tion submitted under paragraph (3) and provide no-
2 tice of such determination to the applicant. Such
3 date shall not be later than 180 days after the date
4 on which an application is submitted to the Corpora-
5 tion.

6 “(B) EXTENSIONS.—The Director of the Fed-
7 eral Housing Finance Agency may authorize up to
8 2 extensions of the date established under subpara-
9 graph (A), each of which shall not exceed 30 days,
10 upon the written request and a showing of good
11 cause by the Corporation.

12 “(C) STATUS NOTICE.—The Corporation shall
13 provide notice to an applicant regarding the status
14 of an application submitted under paragraph (3) not
15 later than 60 days after the date on which the appli-
16 cation was submitted to the corporation.

17 “(D) REASONS FOR DISAPPROVAL.—If an ap-
18 plication is disapproved, the corporation shall pro-
19 vide to the applicant the reasons for the disapproval
20 not later than 30 days after a determination is made
21 under this paragraph.

22 “(5) AUTHORITY OF DIRECTOR.—If the Corporation
23 elects to use a credit score under this subsection, the Di-
24 rector of the Federal Housing Finance Agency shall re-
25 quire the Corporation to routinely update the validation

1 and approval process described in paragraph (1)(B) as the
 2 Director, in the Director’s discretion, deems to be nec-
 3 essary to ensure such process remains appropriate and
 4 adequate and complies with any standards and criteria es-
 5 tablished pursuant to section 1328 of the Federal Housing
 6 Enterprises Financial Safety and Soundness Act of 1992.

7 “(6) CREDIT SCORE DEFINED.—In this subsection,
 8 the term ‘credit score’ means a numerical value or a cat-
 9 egorization derived from a statistical tool or modeling sys-
 10 tem used by a person who makes or arranges a loan to
 11 predict the likelihood of certain credit behaviors, including
 12 default.”.

13 **SEC. 3. AUTHORITY OF DIRECTOR OF THE FEDERAL HOUS-**
 14 **ING FINANCE AGENCY.**

15 Subpart A of part 2 of subtitle A of the Federal
 16 Housing Enterprises Financial Safety and Soundness Act
 17 of 1992 (12 U.S.C. 4541 et seq.) is amended by adding
 18 at the end the following new section:

19 **“SEC. 1328. REGULATIONS FOR USE OF CREDIT SCORES.**

20 “The Director may, by regulation, establish stand-
 21 ards and criteria for any process used by an enterprise
 22 to validate and approve credit scoring models pursuant to
 23 section 302(b)(7) of the Federal National Mortgage Asso-
 24 ciation Charter Act and section 305(d) of the Federal
 25 Home Loan Mortgage Corporation Act.”.

1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 180 days after the date of enactment of this Act.

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