An important impetus for the ECOA’s passage were hearings held by the National Commission on Consumer Finance in 1972, which documented the difficulties women face in obtaining consumer credit:

- Single women found it more difficult to obtain credit than did single men in the same financial circumstances, especially in the area of mortgage credit;
- Married women often could not obtain credit in their own names;
- Women frequently were asked to reapply for credit in their husbands’ names when they married;
- Creditors refused to consider part or all of the wife’s income when a married couple applied for credit, even if she provided the primary or only source of income;
- Married women often were required to offer assurances that they employed birth control or, in extreme circumstances, to provide medical certification that they were no longer capable of bearing children; and
- Divorced or widowed women found it extremely difficult to obtain credit because credit previously obtained in their husbands’ names was not taken into consideration when they attempted to apply for credit in their own names.

Responding to these concerns, in 1973 the United States Senate passed S. 2101 by a vote of ninety to zero. The bill died in the House. The Senate Report accompanying S. 2101 is instructive in that it contains examples of the types of discriminatory practices on the basis of sex and marital status that the bill was designed to eliminate.

The ECOA was not enacted until 1974, when a House-Senate Conference Committee reconciled two later bills, S. 3492 and H.R. 14856. The House conferees acceded to the Senate in limiting coverage of the final ECOA only to sex and marital status discrimination (and not to race, color, religion, national origin, or age as covered by the House bill), but the enacted version of the ECOA included several other provisions from H.R. 14856.

This first version of the ECOA was enacted on October 28, 1974, and became effective on October 28, 1975. The ECOA amended the Consumer Credit Protection Act by adding a new Title VII, making it unlawful for any creditor to discriminate on the basis of sex or marital status with respect to any aspect of a credit transaction.

Footnotes


26 The ECOA was actually offered as an amendment to H.R. 11221 in the Senate.


