



Unsafe at Any Bureaucracy:
CFPB Junk Science and Indirect Auto Lending

REPORT PREPARED BY THE REPUBLICAN STAFF OF THE
COMMITTEE ON FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES

HON. JEB HENSARLING, CHAIRMAN

114TH CONGRESS, FIRST SESSION
NOVEMBER 24, 2015

This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.

Statute	CRA	ADEA	FHA	ECOA
Supreme Court Case	<i>Griggs</i>	<i>Smith</i>	<i>Inclusive Communities</i>	
Disparate Treatment Proscription	It shall be an unlawful employment practice for an employer—(1) to fail or refuse to hire or to discharge any individual, or otherwise to <i>discriminate against</i> any individual with respect to his compensation, terms, conditions, or privileges of employment, <i>because of</i> such individual's race, color, religion, sex, or national origin; or	It shall be unlawful for an employer—(1) to fail or refuse to hire or to discharge any individual or otherwise <i>discriminate against</i> any individual with respect to his compensation, terms, conditions, or privileges of employment, <i>because of</i> such individual's age;	805(a): (a) In general It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to <i>discriminate against</i> any person in making available such a transaction, or in the terms or conditions of such a transaction, <i>because of</i> race, color, religion, sex, handicap, familial status, or national origin.	(a) It shall be unlawful for any creditor to <i>discriminate against</i> any applicant <i>on the basis of</i> sex or marital status with respect to any aspect of a credit transaction.
Disparate Impact Proscription	(2) to limit, segregate, or classify his employees...in any way which would deprive or tend to deprive any individual of employment opportunities <i>or otherwise adversely affect</i> his status as an employee, because of such individual's race..."	(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities <i>or otherwise adversely affect</i> his status as an employee, because of such individual's age;	804(a): It shall be unlawful...To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, <i>or otherwise make unavailable</i> or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.	NO STATUTORY COUNTERPART
Disparate Impact Cognizable?	YES	YES	YES	?

⁴⁸ See generally Peter Cubita and Michelle Hartmann, *The ECOA Discrimination Proscription and Disparate Impact—Interpreting the Meaning of the Words That Actually are There*, 61 THE BUS. LAWYER 829 (2006) <http://www.weil.com/~media/files/pdfs/ecoadiscrim.pdf>.