



Comment Intake—1071 Reconsideration NPRM
c/o Legal Division Docket Manager
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

December 15, 2025

Re: Small Business Lending Under the Equal Credit Opportunity Act (Regulation B); Docket No. CFPB–2025–0040 or RIN 3170–AB40

To whom it may concern:

Americans for Financial Reform Education Fund (AFREF) opposes the proposed Consumer Financial Protection Bureau (CFPB) rule that would undermine civil rights and fair lending law by weakening the CFPB small business and farm loan disclosure provisions under Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank).¹ Americans for Financial Reform Education Fund (AFREF) is a nonpartisan and nonprofit coalition founded by more than 200 civil rights, consumer, labor, investor, faith-based, and civic and community groups and is dedicated to advocating for policies that shape a financial sector that serves workers, communities and the real economy, and provides a foundation for advancing economic and racial justice that includes robust enforcement of fair lending and civil rights laws and regulations for small business and farm loans.

The proposed rule eviscerates the well-documented, well-reasoned, well-crafted 2023 final 1071 small business and farm lending disclosure rule that would have provided critical and long-overdue transparency to this market had it not been further delayed by the CFPB in 2025. The proposed rule exempts half of small business and farm loans by raising the loan threshold to lenders that originate over 1,000 loans, eliminates essential data elements, and excludes farm lending entirely.

Small businesses and farms generate economic growth, create jobs, and build household wealth for families and for communities. These smaller enterprises rely on fair access to affordable credit to support their operations and invest in future growth. But small businesses and farms owned by women and people of color have faced considerable historic and persistent inequitable access to credit related to structural racial inequality, patterns of disparate treatment, and lending discrimination that have undermined economic activity, job creation, and wealth building for far too many people and for far too long. Studies have repeatedly found that Black, Latine, and Asian and women small business owners had lower access to capital, are charged higher interest rates, receive lower loan amounts, and have higher loan rejection rates than comparably creditworthy white small

¹ Consumer Financial Protection Bureau. [Proposed Rule. Small Business Lending Under the Equal Credit Opportunity Act \(Regulation B\)](#). 90 Fed. Reg. 217. November 13, 2025 at 50952 et seq.

business owners.² Black, Latine, Indigenous, Asian, and women farmers have also faced considerable longstanding barriers to accessing farm credit and discrimination accessing farm credit on equitable terms.³

The proposed rule fails to fulfill the explicit statutory mandate of the Dodd-Frank Section 1071 that amended the landmark Equal Credit Opportunity Act civil rights statute that required the CFPB collect small business and farm loan data essential to “facilitate enforcement of fair lending laws and enable communities and governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses.”⁴ There is no publicly available, comprehensive data that covers the small business or farm loan application, disposition, and origination data that is necessary to assess the demand for credit, the availability of affordable credit, or enforce fair lending law for small businesses and farms.⁵

The proposed rule states that the CFPB “should start with more modest requirements, focusing on core lending products, lenders, and data” but enforcement of civil rights laws are not modest requirements, they are fundamental civil rights grounded in statute and precedent that require robust implementation. Congress did not direct the CFPB to pursue a modest, pilot data collection regime but rather to develop a comprehensive data collection necessary to enforce fair lending laws.

It is fundamentally not possible to fully assess the demand for small business and farm credit, the availability of affordable small business and farm credit, and loan application and determination patterns necessary to enforce fair lending laws under the proposed rule that excludes half of the small business and farm loan origination market and an unknown number of loan applications. The proposed rule states that an incremental approach would reduce the impact on the lending markets but not at all its impact on fair lending enforcement.

The re-issued proposed rule unlawfully withholds or unreasonably delays the implementation of the 1071 rule that went through an extensive notice and comment period and was scheduled to go into

² de Zeeuw, Mels G. and Victor E. da Motta. Federal Reserve Bank of San Francisco. “[Minority-owned enterprises and access to capital from Community Development Financial Institutions.](#)” *Community Development Innovation Review*. May 19, 2021 at 6 to 7; Robb, Alicia. Robb Consulting for the U.S. Small Business Administration. “[Financing Patterns and Credit Market Experiences: A Comparison by Race and Ethnicity for U.S. Employer Firms.](#)” February 2018 at 35 and 36; Wells Fargo. “[2025 Report: The Impact of Women-Owned Businesses.](#)” 2025 at 13; Federal Reserve Banks. “[2024 Chartbook on Firms by Gender of Ownership.](#)” 2024 at 13, 24, and 32.

³ de Sam Lazaro. Fred an Simeon Lancaster. “[Historically denied ‘pivotal’ loans, Black farmers still struggle to get support.](#)” *PBS Newshour*. December 7, 2021; Rosenberg, Nathan. “[How USDA distorted data to conceal decades of discrimination against Black farmers.](#)” *The Counter*. June 26, 2019; Matin, Michel. “[USDA awards Native Americans millions in discrimination suit.](#)” *NPR*. October 21, 2010; LaFraniere, Sharon. “[U.S. opens spigot after farmers claim discrimination.](#)” *New York Times*. April 25, 2013; U.S. Department of Justice and U.S. Department of Agriculture. [Press release]. “[USDA notice to women and Hispanic farmers and ranchers: Compensation for claims of discrimination.](#)” July 7, 2011; Robinson, Jessica. “[Women, Hispanic farmers say discrimination continues in settlement.](#)” *Boise Public Radio*. November 13, 2012.

⁴ Dodd-Frank Wall Street Reform and Consumer Protection Act. [Pub. L. 111-203](#). July 21, 2010 at §1071; 15 USC §1691c-2(a).

⁵ The proposed rule acknowledges “market-wide data on small business lending are currently limited. The Bureau is unaware of any comprehensive data available on small business originations” and although it contends there is an “existing data collection framework” for farm loans, the Farm Credit Administration data, CRA farm loan data, and even USDA guaranteed farm loan data is largely not publicly available, comprehensive, and does not include applications necessary to fulfill the statute.

effect in mid-2025.⁶ The 2025 CFPB actions — the implementation delay and this proposed rule — are contrary to the statutory mandate and further delay the implementation of a rule that Congress directed the agency to implement *fifteen years ago*. Section 1071 was based on the successful Home Mortgage Disclosure Act that was signed on New Year's Eve in 1975 and the first data was publicly disclosed for loans made in 1981 — a mere six years later for a much larger mortgage loan market decades before the advent of the internet. The arbitrary and capricious delay and evisceration of market coverage and data collection unreasonably delays the needed data collection to enforce fair lending law and to promote market transparency.

The CFPB erred in delaying and reproposing the 1071 rule. The proposed rule fails to fulfill the statutory mandate, impermissibly reduces the number of lenders that must disclose small business and farm loan applications and originations, illegitimately excludes farm lending altogether, and excessively reduces the data elements collected and disclosed. The CFPB must withdraw the proposed rule and implement the 2023 final 1071 rule immediately to provide the needed comprehensive transparency to fully enforce fair lending law and to allow communities, small business and farm advocates, and elected officials to assess the demand for and availability of this essential entrepreneurial credit.

Sincerely,

Americans for Financial Reform Education Fund

⁶ 5 USC §706(1).