



Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

December 15th, 2025

RE: Small Business Lending Under the Equal Credit Opportunity Act (Regulation B), Docket No.
CFPB-2025-0040

Dear Acting Director Vought,

On behalf of the members of the National Family Farm Coalition (NFFC), we are submitting comments to the Consumer Financial Protection Bureau (CFPB) in strong opposition to the CFPB's proposed rule on the implementation Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. In particular, we have significant concerns about the impacts of exempting agricultural lending and the Farm Credit System from data collection and reporting requirements. We believe Section 1071, and the previous final rule, provide a clear and strong framework for a data collection system for agricultural lending that is relevant and needed in the agriculture sector and broadly supportive of the farmers and food producers livelihoods that we serve, and we object to the undermining of that framework with this proposed rule.

NFFC is an alliance of grassroots farmer- and advocate-led groups across 42 states, representing the rights and interests of independent family farmers, ranchers, and fishermen in Washington, D.C. Since NFFC's founding in 1986, we have worked with Congress and Executive branch to protect farmers' borrower rights and ensure all farmers have equal access to agricultural credit.

Despite the important role that agricultural lending plays in our food system, there is a long and well documented history of discriminatory lending practices in the U.S. For decades we have heard, and continue to hear in 2025, first-hand from our members how discrimination in agricultural lending undermines farmer livelihoods, weakens rural economies, exacerbates social and economic inequalities in rural communities, and in too many cases drives farmers from their land, businesses, and homes. In response to these farmer testimonies, NFFC has repeatedly called on Congress, USDA, and the CFPB to collect more data and provide more oversight of agricultural lending practices to regulate a more fair and equal credit market and institutional landscape for all U.S. farmers. We believe that the systematic collection of more detailed, comprehensive, and publicly accessible data on agricultural lending trends through the CFPB is an important step in this direction. Data-driven evidence that can demonstrate equal treatment of all farmers, regardless of who they are or how they farm, should be a standard of transparency and oversight that all agricultural lenders, farmers, and public institutions should embrace.



In July, 2025 NFFC and other civil society organizations submitted comments to the CFPB highlighting our concerns about the proposed interim final rule on the Small Business Lending Under the Equal Credit Opportunity Act and the continued delayed implementation of data collection and disclosure of small business and farm lending data. This current proposed rule on this critical topic further undermines transparency and public oversight needs in the small business and farm lending sector, and we call on the CFPB to withdraw it and implement the 2023 final rule.

The CFPB proposed rule unlawfully undermines and delays implementation of Section 1071

After 15 years of delays, the CFPB does not have the legitimacy to limit or further delay Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Congress expressly mandated that the CFPB must collect and make public small business loan application-level data, including agricultural credit, and therefore the CFPB legally must implement the law to meet Congressional intent. Under the Administrative Procedure Act, an agency cannot “unlawfully withhold or unreasonably delay” a statutory requirement. Courts have repeatedly confirmed that the CFPB’s 2023 final rule was lawful and within its statutory authority. This proposed rule’s intention to exclude entire categories of lending—including all farm loans—violates the plain text and purpose of 15 U.S.C. § 1691c-2, and ignores the record of evidence, the CFPB’s own prior findings, and overwhelming public comments from farming organizations like NFFC establishing the clear need for agricultural lending data collection, public reporting, and transparency to strengthen both the lending and agriculture sectors. The continued undermining, and attempted elimination of farm lending data collection, by this proposed rule is arbitrary and capricious, and is interpreted by farming communities as a politically-motivated delay tactic, rather than a data-driven process to meet family farmers’ lending needs.

Data collection and reporting on agricultural lending is critically needed

NFFC’s most significant concern about the proposed rule is the exclusion of agricultural lending from covered credit transactions, and the exemption of Farm Credit System (FCS) lenders entirely from data collection and disclosure requirements. Today, there is no comprehensive, publicly available data set that covers farm lending, meaning that regulators, policy-makers, and farming communities do not have a comprehensive view of lending trends, including demand, accessibility, and compliance outcomes that would be borne out of systematized public data collection and reporting process. We believe that this lack of a comprehensive oversight system both masks discriminatory lending trends and introduces unnecessary risk into the agricultural lending sector, and the U.S. farm system generally, as unequal and/or predatory lending practices undermine the economic health of rural communities across the country.



We are particularly concerned that the proposed rule completely exempts the FCS from data collection and disclosure requirements without a clear or data-driven rationale. The FCS is a central and important player in the agricultural lending sector holding nearly half of the nation's farm debt, according to USDA.¹ Therefore understanding the private agricultural credit sector, without the FCS included as proposed in this rule, will be impossible. Although the Farm Credit Administration has an oversight role of the FCS and collects some lending data, it does not publish applicant-level or systematized FCS lending data including demographic information. We believe that exempting the FCS from any data collection and reporting requirements through this rule will lead to reputational risk for the FCS and fails to meet Congressional intent of Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The FCS, as a large-scale agricultural lender, must be included as a covered financial institution.

Discriminatory agricultural lending requires increased transparency and oversight

While this proposed rule aims to weaken, delay, and undermine agricultural lending oversight, numerous studies have repeatedly found that historically underserved communities and non-white small business owners have lower access to capital, are charged higher interest rates, receive lower loan amounts, and have higher loan rejection rates than comparably creditworthy white small business owners. This historic, persistent, and well documented inequitable access to financing and credit, faced by women and people of color, relates to structural racial wealth inequality, patterns of disparate treatment and outcomes, and lending discrimination that have undermined economic activity, job creation, and wealth. As indicated in NFFC's 2022 comments to the CFPB on the previous proposed rule (Docket No. CFPB-2021-0015), for decades NFFC has received reports from our national membership on a range of discriminatory practices by both public and private lenders, corroborated by media reports and independent research. This discriminatory practices do not only create an unlevel economic playing field undermining market competition, these practices have led to historically underserved communities (and black farmers in particular) losing their farms, businesses, and agricultural livelihoods completely.² In fact, the CFPB itself has recognized this history of discriminatory lending, stating previously (in Docket No. CFPB-2021-0015) that "the share of minority representation in farming, particularly that of Black Farmers, has declined sharply over the last 100 years...Based on the disposition of numerous lawsuits alleging discrimination against minority farmers, the Bureau believes that credit discrimination may play a role in this decline." Furthermore, in the CFPB's 2023 final rule, the Bureau explicitly found that

¹ USDA ERS (2024): Commercial banks and the Farm Credit System dominate farm sector lending:
<https://ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=109678>

² NFFC comment on Docket No. CFPB-2021-0015, Section 1071 Small Business Lending Data Collection:
<https://nffc.net/nffc-posts-comments-to-consumer-financial-protection-bureau/>



agricultural lending involves heightened fair-lending risks, and that data collection is “crucial” to enforcing the Equal Credit Opportunity Act (ECOA) and understanding community needs. The CFPB acknowledged that “minority-owned farms may obtain, or may be offered, higher interest rates and less favorable terms,” and that data are necessary “to observe the market for potentially troubling trends.”

While the historic trend of discriminatory lending is clear, there is no data-driven evidence indicating that this threat has receded or changed since the CFPB’s final rule was released in 2023. On the contrary, as farmers continue to face increasing financial challenges from trade wars, economic impacts from natural disasters, and several years of delay in Congress passing a new Farm Bill, farmers are increasingly dependent on agricultural lending to keep their operations financial afloat. For example, since 2019, three quarters of all farm loans have carried variable interest rates, meaning that the cost of repayment is likely to rise, putting more pressure on smaller farmers to cash-flow their operations.³ This increased dependence on lenders also means farmers face higher risks from prevalent discriminatory lending practices. Robust data collection and disclosure is long overdue for identifying and addressing discriminatory lending trends.

Weakening data collection on lender coverage undermines transparency

In addition to concerns raised above on exempting the Farm Credit System from data collection and reporting requirement, NFFFC has a number of objections to the proposed rule’s general narrowing of lender coverage and definition changes:

- *Covered financial institutions.* The CFPB (in addition to exempting the FCS) is proposing to raise the reporting threshold for lenders from 100 loans to 1,000 loans.
- *Small business.* The CFPB is proposing to change the gross annual revenue threshold in the rule's definition of small business from \$5 million or less to \$1 million or less.

Raising the reporting threshold for lenders from 100 loans to 1,000 loans, with the justification that reporting for this scale of lender is too onerous, will exempt thousands of lenders, including many rural banks, agricultural lenders, and community development financial institutions. Many of these community-serving smaller lenders collect this information anyway to demonstrate their data-driven and mission-driven approach to serving their customers and clients, therefore we believe the 2023 final rule is not onerous. Furthermore we do not believe that eliminating reporting requirements for this scale of lender meaningfully reduces their administrative costs, but in many cases eliminates a critical benchmark

³ Federal Reserve Bank of Kansas City. National Survey of Terms of Lending to Farmers. Table 6. Share of Non-Real Estate Bank Loans with a Floating Interest Rate. 2021 3rd Quarter. Smialek, Jeanna. “Fed shifts to inflation battle, winding down pandemic support.” New York Times. December 15, 2021.



for data-driven analysis of lending trends across scales of lenders, and in some cases may obfuscate serious discriminatory behavior at a local level.

Reducing the threshold of how CFPB defines small businesses from gross annual revenue of \$5 million or less to \$1 million or less similarly will exempt and undermine thousands of businesses and leave a clear data gap that will again contribute towards failing to provide regulators, policy-makers, and farming communities a clear picture of how these businesses are, or are not, being serviced by lenders.

Finally, in addition to the definitions and exemption concerns mentioned above, the proposed rule leaves out a wide range of critical data points needed to accurately identify lending trends, including:

- Demographic data, including disaggregated race and ethnicity – this information is essential for understanding geographic and demographic gaps in credit access.
- LGBTQI+-owned business identification – this information is important for identifying differential approval rates and discriminatory behavior. Additionally, forcing nonbinary people to choose a binary gender response (rather than just using a commonly used free-form text field) is a violation of their rights, while also providing the CFPB with inaccurate data.
- Number of workers/employee count – this basic information is important both for understanding the scale, impact, and business model of loan recipients.
- Application method and recipient – this information is important for identifying predatory application tactics, as well understanding successful methods and tools for reaching historically underserved communities.
- Reason for denial – this information is critical for identifying discriminatory approvals or rejections of loans, particularly in contexts and basis of, nuanced and discretionary information.
- All pricing and loan-term information – this information is critical for identifying discriminatory pricing.

In summary the above data points are critical for regulators, policy-makers, and farming communities to gain a clear picture of how, or how not, lenders are meeting the demands of their customers, the communities they serve, and the broader food and agriculture system. Furthermore, we believe these data points are straightforward, easily met, and do not constitute an unreasonable data reporting requirement for smaller scale lenders, businesses, and farms.

Again, justice delayed is justice denied

Communities, small businesses, and farms have already waited 15 years for the publication of this critical data. The proposed rule would delay the publication of this statutorily mandated data until 2028, calling this action “initial,” suggesting that additional data collection steps will be proposed and be implemented



at a later date. Farming communities are not deceived by this vague promise of needed institutional action later – implementation of Section 1071, in the spirit of the robust 2023 Final rule, must not be further delayed. Delaying the data publication another two years wrongly denies the public information that Congress and the Dodd-Frank Wall Street Reform and Consumer Protection Act mandated be collected and shared.

Thank you for the opportunity to comment and for your consideration of our Coalitions' views. Please do not hesitate to contact NFFC for further information on this comment.

Sincerely

A handwritten signature in black ink, appearing to read 'Jordan Treakle', with a stylized flourish at the end.

Jordan Treakle
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