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Fifty-Five Percent

Senator Elizabeth Warren's own evidence explains the price she objects to and why blocking charters would shrink credit for the households most in need

Gregory A. Schroeder & Patrick M. Brenner

One of the great mistakes is to judge policies and programs by their intentions rather than their results.

— Milton Friedman

This paper, in its entirety, can be found at **https://southwestpolicy.com/sppi11**

202.505.1769 | southwestpolicy.com | info@southwestpolicy.com
PO Box 1746 | Bernalillo, New Mexico 87004

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SOUTHWEST PUBLIC POLICY INSTITUTE

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EXECUTIVE SUMMARY

Senator Elizabeth Warren, Ranking Member of the Senate Banking Committee, has written to FDIC Chairman Travis Hill, Comptroller of the Currency Jonathan Gould, and Federal Reserve Chairman Kevin Warsh urging them to reject Opportunity Financial's application to acquire BNCCORP, Inc. and its subsidiary BNC National Bank.[1] The letter is the highest-profile intervention yet in a chartering fight the Southwest Public Policy Institute examined at length in *Application Pending*.[2]

The letter makes two factual claims that are, so far as we can determine, accurate. OppFi charges up to 195 percent APR on personal installment loans. Its charge-off rate exceeded 55 percent in the first quarter of 2026.

Those two numbers do not sit in tension. The second explains the first. That is the finding of this brief.

Five points frame our position

1. The charge-off rate is the cost structure, not the scandal. OppFi's most recent quarterly disclosures show an annualized average yield of 132 percent against annualized net charge-offs equal to 52 percent of average receivables. Net charge-offs consumed roughly 40 cents of every revenue dollar; operating expenses consumed roughly 34 cents more.[3] A lender losing half its loan book each year cannot originate at 36 percent, and no rule requiring it to do so will produce a 36 percent loan. It will produce no loan.

2. The application does not create the product it is being blamed for. The loans at issue exist today, in the same states, at the same prices, originated by FinWise Bank — a Utah-chartered, FDIC-supervised institution — under a partnership arrangement a California court upheld in May 2026.[4] Denying the application does not retire a single one of those loans. It preserves the structure the objectors have spent a decade calling a shell game.

3. Rate exportation by a national bank is not a loophole. It is 12 U.S.C. § 85 as construed unanimously by the Supreme Court in 1978 and reaffirmed in 1996.[5] The state opt-out theory now before the en banc Tenth Circuit reaches state-chartered banks under a different statute; by the panel's own terms it does not touch national banks.[6] Congress can change this. Regulators adjudicating a single application cannot.

4. The letter's own frame — the ten percent credit card cap — concedes what is really at issue. The objection is not that OppFi fails a statutory factor. The objection is to the price of consumer credit. That is a legislative question, and there are bills pending on it.[7]

5. We know what happens when the cap arrives, because it has been measured. Federal Reserve Bank of New York research published in December 2025 finds that under state usury limits, credit to the riskiest decile of borrowers contracts sharply with no improvement in delinquency, while credit expands to safer borrowers for whom the cap never bound.[8] The Urban Institute reached the same conclusion about the Military Lending Act's 36 percent cap.[9] SPPI's own field research found that when well-qualified borrowers attempted to obtain the small-dollar products mainstream institutions advertise, they were denied almost every time.[10]

Recommendation: The FDIC, OCC, and Federal Reserve should evaluate this application against the factors Congress enacted — capital, management, compliance, safety and soundness, competition, community convenience and needs, and financial stability — and against nothing else. If OppFi fails those tests, it should be denied, and the order should say which factor it failed. If it satisfies them, it should not be denied because a senator, an attorney general, or a coalition of advocacy organizations objects to its annual percentage rates.

OPPORTUNITY FINANCIAL

In April 2026, OppFi Inc. announced an agreement to acquire BNCCORP, Inc. and its wholly owned subsidiary BNC National Bank — a nationally chartered commercial bank headquartered in Glendale, Arizona, founded in 1987, with roughly $1.1 billion in total assets and $1.0 billion in deposits — in a cash-and-stock transaction valued at approximately $130 million.[11] The transaction requires approval from the OCC and the Federal Reserve; OppFi has targeted a fourth-quarter 2026 close.

Opposition organized quickly. The National Consumer Law Center, joined by 122 consumer, civil rights, legal services, and community organizations and academics, filed comments with all three federal banking agencies urging denial, requesting a public hearing, and asking that the matter go to the full Board of Governors.[12] Fair Finance Watch filed separately with each agency, also requesting hearings.[13] The Woodstock Institute, joined by five Illinois organizations, raised the Illinois rate cap and the transaction's Community Reinvestment Act footprint.[14] Woodstock joined a second letter with the National Community Reinvestment Coalition and Rise Economy.

Senator Warren's letter followed. It asserts that OppFi charges up to 195 percent APR, that charge-off rates exceed 55 percent, that OppFi's underwriting does not adequately establish borrowers' ability to repay, that the acquisition therefore fails the convenience-and-needs factor, and that approval would depart from the President's stated support for a ten percent cap on credit card interest.[15]

The last point is the one worth dwelling on. A letter opposing a bank acquisition on statutory grounds does not ordinarily need to invoke a president's campaign promise about a different product. That it does tells you what the letter is about.

STATUTORY

The Bank Holding Company Act specifies what the Federal Reserve weighs when a company seeks to acquire a bank: the competitive effects of the transaction; the financial and managerial resources and future prospects of the companies involved; the convenience and needs of the communities to be served; the effectiveness of anti-money-laundering compliance; and the risk to the stability of the United States banking or financial system.[16] The OCC applies parallel chartering and merger standards.

That list is the entirety of the inquiry Congress authorized. It does not ask whether a senator approves of the applicant's pricing.

This is not a technicality, and it is not a new position for the federal banking agencies. Executive Order 14331, Guaranteeing Fair Banking for All Americans, signed in August 2025, cited Operation Choke Point by name and directed that banking decisions rest on individualized, objective, risk-based analyses.[17] The agencies then acted. The OCC announced in March 2025 that it would stop examining for reputation risk. The Federal Reserve removed reputational risk from its examination programs in June 2025 and proposed codifying that removal in February 2026. In April 2026 the OCC and FDIC published a joint final rule codifying the elimination. In June 2026 all three agencies jointly reissued fifteen interagency guidance documents with references to reputation risk stripped out — on the express ground that the concept had been used to pressure banks away from lawful customers.[18]

The principle runs both directions. If it is improper to push a lawful business out of banking on political grounds, it is improper to keep a qualified applicant out on the same grounds. A denial premised on disapproval of a lawful product would restore through adjudication the standard three agencies have spent eighteen months dismantling by rule.

FIFTY-FIVE PERCENT

Senator Warren's letter presents two figures as evidence of predation: a maximum APR of 195 percent, and charge-off rates above 55 percent. The letter treats these as independent indictments. They are one fact stated twice.

OppFi's second-quarter 2026 disclosures, filed August 10, report:[19]

Metric (Q2 2026)	*Value*
Average yield, annualized	132%
Net charge-off rate *% of average receivables, annualized*	52%
Net charge-off rate *% of total revenue*	40%
Adjusted operating expenses *% of revenue*	34%
Adjusted net income margin	19.8%
Ending receivables	$440 million

Read the first two rows together. This is a business that collects roughly $1.32 in gross yield for every dollar of receivables and writes off roughly 52 cents of principal in the same year. Of every dollar of revenue, about 40 cents goes to credit losses and about 34 cents to operating costs, leaving roughly 26 cents for funding costs, taxes, and profit.

We state the profit figure plainly because our argument does not require pretending it is zero. OppFi's adjusted net income margin was 19.8 percent in the quarter — a healthy business, not a charity. The point is narrower and harder to dispute: at a 36 percent all-in ceiling, gross revenue would fall to about 36 cents per dollar of receivables while charge-offs alone consume 52 cents — before a dollar of operating expense, funding cost, or profit. No adjustment to margin, no efficiency gain, and no reduction in executive compensation closes a gap of that size. Federal Reserve Board research on the cost structure of consumer finance companies documents why: the fixed costs of underwriting, servicing, and collection do not scale down with loan size.[20]

A price ceiling set below the cost of production does not lower the price. It ends the product.

And a 55 percent charge-off rate tells you something else that deserves attention. It means these loans are being made to people whose repayment is genuinely uncertain — that more than half the book, by dollars, is extended to borrowers who will not repay. Whatever else that is, it is not a business model built on skimming safe customers. It is the opposite of what mainstream institutions do, which is precisely why the mainstream institutions are not doing it.

PREEMPTION

The letter's operative complaint is that a national bank charter would let OppFi lend nationally at rates its current structure cannot reach in every state.

That describes federal banking law. Section 85 of the National Bank Act permits a national bank to charge the rate allowed by the law of the state where it is located. In *Marquette National Bank v. First of Omaha Service Corp.*, the Supreme Court held unanimously in 1978 that this authority follows the bank across state lines to its borrowers.[21] The Court reaffirmed the framework in *Smiley v. Citibank* (1996). Congress extended parity to state-chartered banks in 1980 through Section 521 of the Depository Institutions Deregulation and Monetary Control Act.

Congress has revisited consumer credit law repeatedly in the forty-eight years since Marquette and has not disturbed it.

The current litigation does not change this. In *National Association of Industrial Bankers v. Weiser*, a Tenth Circuit panel held in November 2025 that Colorado's opt-out reaches loans made to Colorado borrowers by out-of-state state-chartered banks. That decision was vacated when the court granted rehearing en banc on April 2, 2026; the district court's preliminary injunction remains in effect, and the en banc court hears argument.[22] Critically, even the vacated panel decision addressed the DIDMCA opt-out mechanism, which operates on state-chartered banks under Section 27 of the Federal Deposit Insurance Act. It did not reach national banks, which retain full exportation authority under the National Bank Act.

The federal banking agencies themselves are not neutral here. Both the OCC and the FDIC have filed in support of the plaintiffs in *Weiser*, with the FDIC expressly reversing its own prior position. Twenty-one state attorneys general, led by Utah, filed on the same side, as did the American Bankers Association, the Bank Policy Institute, the Consumer Bankers Association, America's Credit Unions, fifty-two state bankers' associations, and the U.S. Chamber of Commerce. Eleven states and the District of Columbia filed for Colorado, joined by the Center for Responsible Lending and the National Consumer Law Center.[23] The question is genuinely contested. It is also, plainly, a question for courts and Congress — not one to be settled by the accumulated leverage of adverse comments on an unrelated application.

CONVERGENCE

The most revealing sentence in Senator Warren's letter argues that approval would depart from the President's promise to cap credit card interest at ten percent.

The convergence is real. In February 2025, Senators Josh Hawley and Bernie Sanders introduced legislation to cap credit card interest at ten percent for five years. Representatives Alexandria Ocasio-Cortez and Anna Paulina Luna introduced a House companion. In January 2026, the President called for a one-year ten percent cap.[24] The Senate Banking Committee's Ranking Member now cites that call, approvingly, in a letter to the President's own bank regulators.

We take no position on the merits of the ten percent proposal, and there are serious people on both sides. We make one observation. If the argument is that consumer credit is priced too high, that argument has a forum, and bills are pending. What it lacks is a home in the adjudication of a single bank holding company application under 12 U.S.C. § 1842(c). Using charter review to accomplish what a rate-cap bill has not accomplished is not a shortcut around a slow legislature. It is a decision to resolve a contested national question without the votes.

REALITY

The premise beneath the objection is that rate caps protect the households subject to them. That premise is now testable, and the most rigorous available test is not from a trade association.

The New York Fed. In December 2025, four economists published *Less for You, More for Me: Credit Reallocation and Rationing Under Usury Limits*, examining three states that adopted 36 percent all-in caps against seven that did not, using quarterly credit-bureau data on nearly four million households with household and ZIP-code-by-quarter fixed effects.[25] For borrowers in the bottom decile of credit scores, debt balances fell 14.7 percent of the sample mean and open accounts fell 19.6 percent. Delinquency did not improve. The authors state that these borrowers did not substitute toward mainstream lenders.

The more consequential finding is what happened to everyone else. Credit did not disappear — it moved up the risk distribution, to borrowers for whom the cap never bound. Balances rose 9.3 percent in the third decile, 10.8 percent in the fourth, 7.6 percent in the fifth. Because credit scores correlate with income, the authors conclude the limits may transfer credit from lower-income to higher-income households — a result they describe as at odds with the theory of usury limits as social insurance for the vulnerable. Companion summaries published in June 2026 make the mechanism explicit: the caps bind alternative lenders. Banks and credit unions are exempt.[26]

The military evidence. When the Department of Defense extended the Military Lending Act's 36 percent cap to revolving credit in 2015, Urban Institute researchers examined credit-bureau data on military communities from 2013 through 2021. They found no reduction in delinquency or collections among subprime borrowers, no effect on credit scores, and suggestive evidence that deep-subprime consumers had less access afterward. They concluded that extending the expanded protections to all borrowers would not effectively improve most Americans' credit health.[27] The Urban Institute is not an industry-funded organization.

Illinois. A peer-reviewed study of that state's 36 percent all-in cap found loans to subprime borrowers fell 38 percent while average loan size to subprime borrowers rose 35 percent. In survey work, 11 percent of affected borrowers reported improved financial well-being; 79 percent wanted the option to return to their prior lender.[28]

New Mexico. House Bill 132 took effect January 1, 2023, replacing a 175 percent ceiling with a 36 percent all-in cap on loans up to $10,000. Licensed small-loan companies fell from 531 in March 2022 to 266 by October 2023 — a 50 percent decline. Roughly 270 remain, reflecting that the count has not recovered.[29]

Supporters of the New Mexico cap respond that the state's Financial Institutions Division found residents saved more than $50 million in fees and interest, and that inflation-adjusted small-loan dollar volume rose 31.7 percent.[30] Both sets of numbers are true, and that is the entire point. Half the lenders left; the survivors wrote larger loans to safer borrowers. Fewer, larger loans to better-qualified households will raise total dollar volume and lower average interest paid while the bottom decile is served by no one. Rising aggregate volume is exactly what the New York Fed's reallocation finding predicts. Dollar totals are not access.

SUBSTITUTION

The standard rejoinder is that banks and credit unions will fill the gap. SPPI tested that claim directly, using consumer emulation rather than modeling.

No Loan for You! (February 2023) followed a married homeowner with a full-time job, a mortgage in good standing, no criminal record, and a credit score above 800 as he attempted to obtain the small-dollar products three national banks advertise in metropolitan Albuquerque. All three required opening a checking account first. All three ultimately declined. The process consumed three to four hours per institution and roughly $75 in account minimums and fees.[31]

No Loan for You, Too! (June 2023) extended the test to fifteen credit unions and a second state. Thirteen of fifteen credit unions — 86 percent — denied the application, did not offer a payday alternative loan, or denied membership outright. Two University of Minnesota undergraduates ran the same protocol against four major lenders in the Minneapolis–Saint Paul metro and obtained none of the advertised products. The credit unions ran hard inquiries; the subject's score fell from above 800 to 706 over the course of the investigation.[32]

One institution performed well — a single Albuquerque credit union approved a 17 percent loan repayable over 90 days, with funds available immediately. It was clean, transparent, and the exception. The subject had also been a member for a year, which is precisely the eligibility condition most applicants cannot meet when they need the money.

We want to be precise about what this evidence does and does not establish. It does not show that mainstream institutions serve only the wealthy — they plainly serve a broad middle class. It shows something narrower and more damaging to the substitution argument: that even a demonstrably prime borrower could not obtain the specific small-dollar emergency products these institutions advertise as the alternative to high-cost credit. If the product is not reliably available to an 800-score homeowner, the claim that it will absorb displaced subprime demand is not a prediction. It is a hope.

APPLICATION

For more than a decade, the standing objection to bank-partnership lending — advanced by many of the same organizations now opposing this application — has been that the arrangement obscures who the real lender is and leaves the economically consequential party outside direct prudential supervision.

Acquisition eliminates that structure. The applicant becomes the bank. Supervision becomes unified and direct: examination, capital requirements, liquidity standards, fair-lending oversight, CRA obligations, and continuous engagement with federal regulators.

The consistency problem is documented. In September 2022, the Center for Responsible Lending and the Consumer Bankers Association jointly petitioned the CFPB to extend supervision over large nonbank personal lenders, arguing that the absence of such a rule created an uneven playing field and significant risk that consumer protection problems would go undetected. The Bureau's general counsel responded in January 2025 that the petitioners' concerns had merit, observing that banks issuing credit cards and nonbanks making payday loans face CFPB supervision while installment lenders generally do not — an estimated 85 million accounts and more than $125 billion outstanding.[33]

Opposing the partnership model and its supervised alternative at the same time reveals that the objection is to the lending itself.

A further consequence is worth stating. Every categorical denial pushes this lending further from supervision, not closer. The borrower's need survives the denial. Only the regulator's line of sight is lost.

LEGITIMACY

Our position is not that this application must be approved. It is that the standard must be the statute. Several objections in the record are properly within that standard, and the agencies should take them seriously.

- Community Reinvestment Act coverage. Commenters argue that OppFi intends to lend in all fifty states while proposing a limited assessment-area footprint, with no commitment regarding BNC's existing North Dakota and Arizona areas.[34] Community convenience and need is a statutory factor. This objection belongs in the record, and if the agencies condition approval on expanded CRA commitments, the process is working.

- Credit concentration and asset quality. A 52 percent annualized charge-off rate is unusual by banking standards, and examiners are entitled to ask hard questions about how it is capitalized, reserved, and funded inside an insured depository. The right response is to address capital and concentration conditions, not deny it with a press release.

- Managerial resources and compliance history. The 2021 District of Columbia action, resolved in a settlement of roughly $2 million without admission of liability, is part of the record and the agencies should weigh it.[35] So is the fact that OppFi's core legal theory was tested on the merits and sustained in Opportunity Financial, LLC v. Hewlett, where a California court granted summary judgment in May 2026 rejecting the DFPI's true-lender theory; that ruling is on appeal.[36]

- Structure and disclosure. Regulators have reportedly pressed OppFi on entities appearing in the merger agreement but not in public organizational charts. Those questions are ordinary and appropriate.

A denial resting on any of these would be a supervisory decision. A denial resting on the price of the loans would not.

RECOMMENDATIONS

1. Decide on the statutory factors. Evaluate the application against 12 U.S.C. § 1842(c) and the applicable chartering and merger standards. If OppFi fails, deny it.

2. Document the basis for any denial. An order should identify which factor was not met and why. An unexplained denial following a 123-signatory comment campaign is indistinguishable from a political one and will be treated as precedent by every future applicant and every future opponent.

3. Apply the reputation-risk principle to adjudication, not only examination. Public controversy about an applicant's lawful products is a reputational consideration by another name. Three agencies have determined it is not a legitimate supervisory basis.

4. Condition rather than deny where conditions will do the work. If CRA coverage, concentration limits, or capital treatment are the concern, those are conditions. Denial is the remedy for an applicant that cannot be made safe, not for one whose customers are unpopular.

5. Resolve the rate question in Congress. The ten percent cap bills and the American Lending Fairness Act are the appropriate vehicles.[37] Whatever one's view of the merits, a national policy on the price of consumer credit should be enacted, not accumulated through adverse comments.

CONCLUSION

The households at issue are the ones SPPI has spent four years documenting: the 14.2 percent of American households — roughly 19 million families — the FDIC classifies as underbanked, the 5.6 million with no account at all, the third of Albuquerque households doing little or no mainstream banking, the 12.3 million Americans the Philadelphia Fed places in banking deserts after 5,413 branches closed between 2019 and 2023.

Senator Warren is right that these borrowers pay a great deal for credit. But that doesn't mean the answer is to let fewer institutions lend to them.

The 195 percent loan and the 55 percent charge-off rate are the same fact. One is the price of the other. A regulator can prohibit the price. No regulator can prohibit the risk, and no rule yet written makes a lender absorb a loss it cannot price for.

What a denial would accomplish, precisely, is this: the loans continue, made by a bank OppFi does not own and regulators do not consolidate; the objectors' own supervision concern goes unaddressed; and the chartering process acquires a new, unwritten standard that no statute contains.

A rigorous chartering process protects the banking system. A political one protects incumbents. The agencies can observe the distinction.

NOTES

1 Letter from Sen. Elizabeth Warren, Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, to Travis Hill, Chairman, FDIC; Jonathan V. Gould, Comptroller of the Currency; and Kevin M. Warsh, Chairman, Board of Governors of the Federal Reserve System, August 2026; see Senate Banking Committee release, "Warren Urges OCC, FDIC, Fed to Block a Predatory Lender from Spreading Nationwide."

2 Gregory A. Schroeder and Patrick M. Brenner, *Application Pending: 68 Million Votes for More Banks — How the Campaign to Politicize Bank Charters Shrinks Credit for Households*, Southwest Public Policy Institute, August 2026.

3 OppFi Inc., Form 8-K and Q2 2026 earnings presentation, August 10, 2026.

4 *Opportunity Financial, LLC v. Hewlett*, No. 22STCV08163, Statement of Decision (L.A. Cnty. Super. Ct. May 19, 2026), following tentative ruling of February 24, 2026.

5 Marquette National Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978); Smiley v. Citibank (South Dakota), N.A., 517 U.S. 735 (1996); 12 U.S.C. § 85.

6 National Association of Industrial Bankers v. Weiser, 159 F.4th 694 (10th Cir. 2025), vacated and rehearing en banc granted April 2, 2026.

7 10 Percent Credit Card Interest Rate Cap Act, S. 381, 119th Cong. (Hawley, Sanders); House companion introduced by Reps. Ocasio-Cortez and Luna.

8 Rajashri Chakrabarti, Daniel Garcia, Donald Morgan, and Lee Seltzer, "Less for You, More for Me: Credit Reallocation and Rationing Under Usury Limits," Federal Reserve Bank of New York Staff Reports, no. 1173, December 2025.

9 Thea Garon, Breno Braga, Ashlin Oglesby-Neal, and Nick Martire, *The Effects of APR Caps and Consumer Protections on Revolving Loans: Evidence from the 2015 Military Lending Act Expansion*, Urban Institute, January 2023.

10 See notes 31–32.

11 OppFi Inc., "OppFi Announces Definitive Agreement to Acquire BNCCORP, Inc. and BNC National Bank," April 29, 2026.

12 National Consumer Law Center et al., comments to the FDIC, OCC, and Board of Governors on the application of Opportunity Financial to charter OppFi National Bank and acquire BNC Bank, July 2026 (NCLC and 122 organizations and academics).

13 Fair Finance Watch comments to the OCC, Federal Reserve, and FDIC, June–August 2026.

14 Woodstock Institute, comment letters opposing OppFi's application, filed with Capital Good Fund, Citizen Action/Illinois, Illinois People's Action, Jewish Free Loan Chicago, and Legal Action Chicago; second letter with the National Community Reinvestment Coalition and Rise Economy, 2026.

15 Warren letter, supra note 1.

16 12 U.S.C. § 1842(c).

17 Exec. Order No. 14331, "Guaranteeing Fair Banking for All Americans," August 7, 2025.

18 OCC, "OCC Announces Actions to Depoliticize the Federal Banking System," September 2025; OCC and FDIC joint final rule on reputational risk, April 2026; interagency reissuance of fifteen guidance documents, June 2026.

19 OppFi Inc., Q2 2026 earnings materials, supra note 3. Q1 2026 net charge-offs were 55.5 percent of average receivables annualized and 42.5 percent of total revenue; the Q2 figures are 52.3 percent and 39.5 percent.

20 Lisa Chen and Gregory Elliehausen, "The Cost Structure of Consumer Finance Companies and Its Implications for Interest Rates," FEDS Notes, Board of Governors of the Federal Reserve System, December 8, 2020.

21 *Marquette*, supra note 5.

22 *Weiser*, supra note 6; Congressional Research Service, "En Banc Tenth Circuit to Consider Scope of DIDMCA Opt-Out Provision," LSB11433, May 2026.

23 Amicus filings in *NAIB v. Weiser* (10th Cir., en banc), May–July 2026.

24 S. 381, supra note 7; presidential statement of January 2026 calling for a one-year ten percent cap.

25 Chakrabarti et al., supra note 8. Treated states: South Dakota (2016), Illinois (2021), North Dakota

(2021). The abstract reports declines of approximately 16.9 percent in balances and 20 percent in accounts; the triple-difference point estimates in the text are 14.7 percent and 19.6 percent of sample mean, used here.

26 Chakrabarti, Leonard, Morgan, Pham, and Seltzer, "The Unintended Effects of Interest Rate Caps," Liberty Street Economics, Federal Reserve Bank of New York, June 3–4, 2026.

27 Garon et al., supra note 9.

28 J. Brandon Bolen, Gregory Elliehausen, and Thomas W. Miller Jr., "Credit for Me but Not for Thee: The Effects of the Illinois Rate Cap," *Public Choice* 197, no. 3 (December 2023): 397–420.

29 New Mexico Regulation and Licensing Department data compiled by the Online Lenders Alliance, January 4, 2024; Think New Mexico reports approximately 270 licensees as of April 2026.

30 Financial Institutions Division, New Mexico Regulation and Licensing Department, cited in Think New Mexico commentary, *Santa Fe New Mexican*, April 12, 2026.

31 D. Dowd Muska and Patrick M. Brenner, *No Loan for You! Why the War on Specialized Emergency Loans Hurts New Mexico*, Southwest Public Policy Institute, No. 2, February 2023.

32 D. Dowd Muska, Patrick M. Brenner, Jack Radomski, and Brandt Kringlie, *No Loan For You, Too! The Unintended Consequences of Price Controls on Consumer Access to Credit*, Southwest Public Policy Institute, No. 4, June 2023.

33 Consumer Bankers Association and Center for Responsible Lending, Petition for Rulemaking to Define Larger Participants for Personal Loans, submitted to the CFPB, September 15, 2022; CFPB general counsel response, January 2025.

34 Woodstock Institute et al., supra note 14.

35 Office of the Attorney General for the District of Columbia, settlement announcement, December 2021 ($1.5 million in refunds to more than 4,000 residents, more than $640,000 in waived interest, and $250,000 to the District; OppFi denied the allegations).

36 *Hewlett*, supra note 4; notice of appeal filed July 21, 2026 (Cal. Ct. App., 2d Dist.).

37 American Lending Fairness Act of 2026, S. 3889 and H.R. 7866.