

NEW ADMINISTRATION OUTLOOK



What Does the CFPB “Freeze” Mean for Regulations and Pending Litigation?

A breakdown of the effect on proposed, interim, and final rules and ongoing judicial proceedings

Effect of Freeze on Recent CFPB Regulations

Item	Summary	Status Before Freeze	Effect of Freeze	CRA eligible? ¹
Prohibition on Creditors and Consumer Reporting Agencies Concerning Medical Information (Regulation V)	Final rule. The final rule bans the inclusion of medical bills on credit reports used by lenders and prohibit lenders from using medical information in their lending decisions.	January 7, 2025: CFPB released final rule January 14, 2025: Final rule published in Federal Register	The rule would have been effective 60 days after publication in the Federal Register. However, Acting Director Bessent “suspend[ed] the effective dates of all final rules that have been issued or published but that have not yet become effective.”	Yes, reviewable by the current Congress under the CRA.
Residential Property Assessed Clean Energy Financing (Regulation Z)	Final rule. This final rule prescribes ability-to-repay rules for Property Assessed Clean Energy (PACE) financing and applies TILA civil liability provisions to violations.	December 17, 2024: CFPB released final rule January 1, 2025: Final rule published in Federal Register March 1, 2026: Effective date	Effective date suspended by Acting Director Bessent.	Yes, the final rule falls within the lookback period.
Overdraft Lending: Very Large Financial Institutions Final Rule	Final rule. This final rule amends Regulations E and Z to update regulatory exceptions for overdraft credit provided by very large financial institutions, unless the overdraft fee is a small amount that only recovers estimated costs and losses.	December 12, 2024: CFPB released final rule December 30, 2024: Final rule published in Federal Register October 1, 2025: Effective date	Effective date suspended by Acting Director Bessent.	Yes, the final rule falls within the lookback period.

¹The [CRS estimated August 1, 2024, as the lookback date](#) for the current 119th Congress. Based on a lookback period of August 1, 2025, CRS estimates Congress may introduce disapproval resolution until late March 2025 and will make the CRA “fast track” procedures available to consider such joint resolutions in the Senate until late May or early June 2025.

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Defining Larger Participants of a Market for General-Use Digital Consumer Payment Applications	Final rule. The final rule defines larger participants of a market for general-use digital consumer payment applications and subjects them to CFPB's supervisory authority.	November 21, 2024: CFPB released final rule December 10, 2024: Published in Federal Register January 9, 2025: Effective date	No effect given its effective date was January 9, 2025.	Yes, the final rule falls within the lookback period.
Final Rule for the Required Rulemaking on Personal Financial Data Rights: Section 1033 of the Consumer Financial Protection Act of 2010 (CFPA)	Final rule. The final rule requires data providers to make available to consumers and authorized third parties data regarding covered financial products and services in an electronic form, subject to a number of requirements. The final rule also sets forth criteria a third party must satisfy in order to be an authorized recipient, including certifying it will satisfy certain obligations regarding the collection, use, and retention of covered data.	October 22, 2024: CFPB released a final rule for the Required Rulemaking on Personal Financial Data Rights November 18, 2024: Published in Federal Register January 17, 2025: Effective date April 1, 2026: First compliance date	No immediate effect given its effective date was January 17, 2025. The rule has also been challenged in court as referenced below.	Yes, the final rule falls within the lookback period.
Required Rulemaking on Personal Financial Data Rights: Industry Standard-Setting: Section 1033 of the Consumer Financial Protection Act of 2010 (CFPA)	Final rule. The final rule establishes minimum attributes a standard-setting body must possess to receive CFPB recognition and to issue consensus standards when the remaining parts of the rule are finalized.	June 5, 2024: CFPB released a final rule June 11, 2024: Final rule published in Federal Register July 11, 2024: Effective date	No immediate effect. The rule has also been challenged in court as referenced below.	No, the rule is not included within the lookback period.
Credit Card Penalty Fees (Regulation Z)	Final rule. This final rule adopts a late fee safe harbor threshold of \$8 for credit card issuers.	March 15, 2024: Final rule published in Federal Register May 14, 2024: Effective date	Not affected by Acting Director Bessent's freeze. But see litigation below.	No, the rule is not included within the lookback period.
Small Business Lending under the Equal Credit Opportunity Act (Regulation B); Extension of Compliance Dates	Interim rule. In light of court orders in ongoing litigation, the CFPB amended Regulation B to extend the compliance dates set forth in its 2023 small business lending rule and to make other date-related conforming adjustments.	June 25, 2024: Interim rule released by CFPB July 3, 2024: Rule published in Federal Register August 2, 2024: Effective date	Not affected by Acting Director Bessent's freeze. But see litigation below.	No, the rule is not included within the lookback period.
Prohibited Terms and Conditions in Agreements for Consumer Financial Products or Services (Regulation AA)	Proposed rule. The proposed rule would prohibit covered persons from including in their contracts any provisions purporting to waive substantive consumer legal rights and protections (or their remedies) granted by state or federal law. The proposal would also prohibit contract terms that limit free expression, including threats of account closure, fines, breach of contract claims, and other contract terms.	January 13, 2025: CFPB released proposed rule April 1, 2025: Deadline for comments	No immediate effect. Proposed rules may be withdrawn or no further action taken at the director's discretion.	No, CRA only applies to final rules.

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Electronic Fund Transfers Through Accounts Established Primarily for Personal, Family, or Household Purposes Using Emerging Payment Mechanisms (Electronic Fund Transfer Act; Regulation E)	Proposed rule. This interpretive rule expands Regulation E to stablecoins, crypto, virtual currencies, and other forms of electronic payment.	January 10, 2025: CFPB released proposed rule January 15, 2025: Proposed rule published in Federal Register March 31, 2025: Deadline for comments	No immediate effect. Proposed rules may be withdrawn or no further action taken at the director's discretion.	No, CRA only applies to final rules.
Protecting Americans from Harmful Data Broker Practices (Regulation V)	Proposed rule. The proposed rule would implement the FCRA's definitions of consumer report and consumer reporting agency as well as certain of the FCRA's provisions governing when consumer reporting agencies may furnish, and users may obtain, consumer reports.	December 3, 2024: CFPB released proposed rule March 3, 2025: Deadline for comments	No immediate effect. Proposed rules may be withdrawn or no further action taken at the director's discretion.	No, CRA only applies to final rules.
Fair Credit Reporting Act (Regulation V); Identity Theft and Coerced Debt	Advance notice of proposed rulemaking. This advance notice of proposed rulemaking solicits information on amending the definitions of "identity theft" and "identity theft report" in Regulation V.	December 9, 2024: CFPB issued advance notice of proposed rulemaking March 7, 2025: Deadline for comments	No immediate effect. Proposed rules may be withdrawn or no further action taken at the director's discretion.	No, CRA only applies to final rules.

Effect of CFPB “Freeze” on Pending Litigation

Case	Summary	Status Before Freeze	Effect of Freeze
Technet and Netchoice, LLC v. Consumer Financial Protection Bureau and Rohit Chopra, U.S. District Court for the District of Columbia (No. 1:25-cv-00118)	This case challenges the CFPB's final rule defining a market for “general-use digital consumer payment applications” and its “larger participants.”	Case Filed January 16, 2025. The CFPB's Answer is due on March 22, 2025.	Acting Director Bessent prohibited staff from approving any filings or making any appearances in any litigation, other than to seek a pause to proceedings. Presumably, counsel will need to file such a request before the answer is due. (March 22, 2025)
Mississippi Bankers Association et al v. Consumer Financial Protection Bureau et al, U.S. District Court for the Southern District of Mississippi (No. 3:24-cv-00792)	This cases challenges the CFPB's final rule titled Overdraft Lending: Very Large Financial Institutions.	Plaintiffs filed a motion for preliminary injunction on December 18, 2024. The CFPB filed its Memorandum in Opposition on January 14, 2025. The court has not set a hearing for the injunction or issued a scheduling order.	There are no pending deadlines, but the litigation pause may affect the ability of the CFPB to appear at any hearing on the motion for preliminary injunction.
Forch Bank, NA et al v. Consumer Financial Protection Bureau, U.S. District Court for the Eastern District of Kentucky (No. 5:24-cv-00304)	This case challenges the CFPB's Required Rulemaking on Personal Financial Data Rights, to be codified at 12 C.F.R. part 1033.	The Court issued a briefing schedule on January 28, 2025. The CFPB's next administrative deadline is February 7, 2025. The CFPB's deadline to file summary judgment is March 31, 2025.	Acting Director Bessent prohibited staff from approving any filings or making any appearances in any litigation, other than to seek a pause to proceedings. Presumably, counsel will need to file such a request before the CFPB's next deadline. (February 7, 2025)
Chamber of Commerce of the United States of America et al v. Consumer Financial Protection Bureau et al, U.S. District Court for the Northern District of Texas, (No. 4:24-CV-00213)	This case challenges the CFPB's Credit Card Penalty Fees rule (Regulation Z).	The Court issued a scheduling order on December 26, 2024, setting April 3, 2025, as the deadline for the CFPB to move for summary judgment.	The litigation pause could affect the April 3, 2025, deadline.
Chamber of Commerce of the United States of America et al v. Consumer Financial Protection Bureau et al, U.S. Court of Appeals for the 5th Circuit (No. 23-40650)	This case challenges the CFPB's changes to the examination manual which interpreted its authority to regulate discrimination as a UDAAP.	Oral argument was set for February 3, 2025.	The proceedings have been paused due to Acting Director Bessent's directive.
Texas Bankers Assoc v. CFPB, U.S. Court of Appeals for the 5th Circuit (No. 24-40705)	This case challenges the changes made to CFPB's Regulation B (Small Business Lending under the Equal Credit Opportunity Act) implementing section 1071 of the Dodd-Frank Act.	Oral argument was set for February 3, 2025.	On February 7, 2025, the deadlines for compliance with the Rule were tolled “but only for plaintiffs and intervenors in this case, pending further order.”