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The CFPB's FCRA Preemption Flip: What It Means for Consumer Reporting

SPEAKERS

[David M. Gettings](#) | [Kim Phan](#) | [Stefanie H. Jackman](#)

In this episode of *FCRA Focus*, co-hosts Dave Gettings and Kim Phan are joined by partner Stefanie Jackman to unpack the Consumer Financial Protection Bureau's (CFPB) evolving interpretation of Fair Credit Reporting Act (FCRA) preemption. They trace the timeline from the CFPB's July 2022 interpretive rule, through its withdrawal in May 2025, to the October 2025 confirmation and new guidance embracing a broader view of preemption under 15 U.S.C. § 1681t(b)(1). The team discusses how the CFPB's latest stance could impact state laws regulating consumer reports beyond "credit" — including medical debt, rental information, and criminal background checks — and why interpretive rules, despite being helpful and persuasive, are not binding on courts. They also explore practical implications for litigation and compliance, the current judicial environment for agency deference, and the ongoing tension between the need for nationwide uniformity and the growing patchwork of state-by-state mini-FCRA laws.

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