Banking and Finance Law Daily Wrap Up, CONSUMER FINANCIAL PROTECTION BUREAU—CFPB settles lawsuit over taskforce it formed, operated, (Jan. 18, 2022)

Banking and Finance Law Daily Wrap Up

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By Timothy Isaiah Wiggins, J.D.

The Bureau admits that the creation, operation of the "Taskforce on Federal Consumer Financial Law" violated the Federal Advisory Committee Act.

The Consumer Financial Protection Bureau and consumer advocacy groups—National Association of Consumer Advocates and the United States Public Interest Research Group—have reached a Settlement Agreement and Order that resolves all claims raised by the consumer groups over the creation and operations of the "Taskforce on Federal Consumer Financial Law." In the December 2021 stipulation and proposed order by the U.S. District Court in Massachusetts, the CFPB stipulates that the Taskforce was subject to the Federal Advisory Committee Act (FACA), that its creation and operations were in violation of FACA, and that the Taskforce's two-volume January 2021 Final Report was not produced by a FACA-compliant advisory committee.

In addition to its stipulation of violations of FACA, the CFPB agreed to the following:

1. **Release of Records.** Release all Taskforce records, in compliance with FACA requirements, to the public, on a rolling basis, beginning Jan. 17, 2022, with complete production by March 22, 2022.
2. **Report Disclaimer.** Amend the Taskforce's Report, in both volumes, to include a disclaimer specifying that the CFPB violated FACA in the production of the report, and since certain statutory requirements were not met, "the Taskforce was created and operated in violation of FACA" and that "the report should not be relied on as a product of a federal advisory committee that was established or operated in compliance with FACA."
3. **Taskforce Webpage.** The CFPB will move the Taskforce webpage to its Advisory Committees Page, where other advisory committees are housed, by Jan. 17, 2022.
4. **Press Release.** The CFPB will issue a press release by Jan. 17, 2022, notifying the public of the settlement of the action.
5. **Certification of Compliance.** Finally, the CFPB must certify to the court and the plaintiffs its compliance with the stipulation and order by providing status reports, beginning Jan. 31, 2022, and continuing every other month, on the last business day, until the CFPB has achieved full compliance.

In its Jan. 14, 2022, press release, the CFPB expressed "its commitment to ensuring compliance with advisory committee sunshine laws."

Companies: National Association of Consumer Advocates; United States Public Interest Research Group

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