

Congress of the United States
Washington, DC 20515

August 02, 2023

The Honorable Rohit Chopra
Director
Consumer Financial Protection Bureau
1700 G Street NW
Washington, D.C. 20552

Dear Director Chopra,

We write to express our strong concerns regarding the July 17, 2023, joint statement by the Consumer Financial Protection Bureau’s (CFPB) and the European Commission¹ announcing an unauthorized “informal dialogue” on a gamut of financial services issues without Congressional authorization or input. Article I, Section 8 of the U.S. Constitution states that Congress has the sole power to regulate commerce with foreign nations. In our view, any agreement reached on policies between the CFPB, and the EU will not enjoy the enforcement of U.S. law.

The CFPB has no authority for engaging with the European Commission or making international deals “to improve policy.” The CFPB’s mandate is to enforce federal consumer financial protection law and to protect the interest of U.S. consumers. The CFPB has no implicit authorization from Congress to engage in policymaking decisions with foreign nations or foreign agents subject to the direction and control of foreign governments. In fact, the Dodd-Frank Act only directs the CFPB to coordinate with the U.S. federal and state regulators to “promote consistent regulatory treatment of consumer financial and investment products and services.”² In contrast, other regulators, including those with a financial stability mandate, have been granted express authorization from Congress for international policy coordination.

It is worrying that your joint statement with Commissioner for Justice and Consumer Protection of the European Commission, Didier Reynders, explicitly says “[C]ertain subjects may need to be addressed in a non-public format.”

Given the CFPB’s troubling pattern of opacity, lack of accountability, and unlawful actions under your leadership, we are concerned that the transatlantic dialogue in a non-public format will lead to secret policy decisions that harm U.S. consumers, small businesses, startups, and financial institutions, and potentially undermine U.S. legal frameworks.

¹ Joint Statement by Didier Reynders, Commissioner for Justice and Consumer Protection of the European Commission and Rohit Chopra, Director of the United States Consumer Financial Protection Bureau (July 17, 2023).

https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/cfpb_joint-ec-cfpb-press-statement_2023-07.pdf

² § 12 USC 5495. Coordination. “The Bureau shall coordinate with the Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, and other Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.”

Your willingness to engage in discussions on policy with foreign agents also raises concerns about whether the CFPB will share confidential supervisory information on U.S. businesses and personally identifiable information on U.S. consumers with those agents behind closed doors. Given closed-door meetings that you envision with foreign agents, with no accountability, there will be no way for Congress to know what is being shared.

Time and time again, and increasingly with the Biden administration, we have seen the guise of “transatlantic cooperation” used as a trojan horse to circumvent the authority of Congress and undermine U.S. legal frameworks to the detriment of companies operating within our borders.

Your joint statement with the European Commission is reminiscent of the Federal Trade Commission’s recent actions to collude with the European Commission to target U.S. tech companies.³ The European Commission has a troubling history of discriminating against American firms, including through fines imposed under the General Data Protection Regulation (GDPR).⁴ and acting to significantly impair American competitiveness. The use of the pejorative “Big Tech companies” in your joint statement makes clear that the CFPB and European Commission have a specific policy agenda.

We request that you terminate your “informal dialogue” with the European Commission unless provided an explicit authorization by Congress. We formally request, also, that you brief the House Financial Services Committee on all details of your dialogue to date with Commissioner Reynders and the European Commission. We ask that the briefing take place no later than September 30th, 2023.

Sincerely,



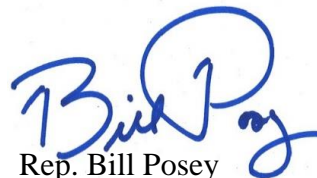
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³ Wall Street Journal Editorial Board: “The FTC Is Working With the EU to Hamstring U.S. Companies,” (April 19, 2023), available at <https://www.wsj.com/articles/lina-khan-federal-trade-commission-european-union-u-s-companies-congress-gina-raimondo-7ade1f6c>

⁴ Emma Woollacott: “GDPR Fines Reach Record Level,” (Jan. 18, 2023) <https://www.forbes.com/sites/emmawoollacott/2023/01/18/gdpr-fines-reach-record-level/?sh=4d5228eb652d>



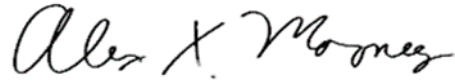
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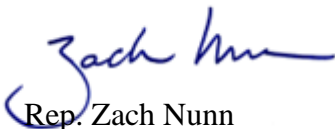
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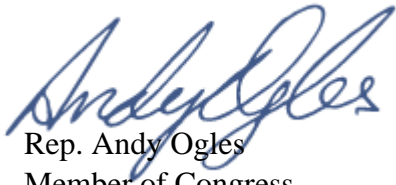
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