

# Congress of the United States

Washington, DC 20515

February 12, 2025

The Honorable Russel Vought  
Acting Director  
Consumer Financial Protection Bureau  
1700 G St NW  
Washington, DC 20552

Acting Director Vought:

We write in response to the executive orders from the Trump administration that direct the Office of Management and Budget (OMB), the Attorney General, and the Office of Personnel Management (OPM) to terminate Diversity, Equity, Inclusion, and Accessibility (DEIA) and environmental justice offices and positions, as well as to eliminate equity-related federal grants and contracts.

As the head of an independent agency, it is essential to recognize that these executive orders, while directive in nature, cannot override or amend laws enacted by Congress. An executive order is limited in scope and must be interpreted within the confines of existing statutory and constitutional obligations. Specifically, the Dodd-Frank Wall Street Reform and Consumer Protection Act mandates the establishment of Offices of Minority and Women Inclusion (OMWI) within all Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) agencies. These statutory offices are charged with promoting diversity and inclusion within the agencies and their regulated entities. This is a legal obligation that cannot be negated by executive action. Additionally, not all executive orders apply to independent agencies.

Executive orders should not lead to premature or excessive compliance actions that undermine legally required DEIA efforts. Your agency must continue to uphold its statutory obligations under the Dodd-Frank Act and federal anti-discrimination laws, including the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Whistleblower Protection Act of 1989, the Pregnant Workers Fairness Act, and other laws that form the foundation of workplace protections.

Additionally, we want to emphasize the Consumer Financial Protection Bureau's (CFPB) legal obligation to adhere to federal labor law and its Collective Bargaining Agreement (CBA) with the National Treasury Employees Union (NTEU).<sup>1</sup> It is important that the CFPB correctly allow misclassified employees in the Office of Minority and Women Inclusion (OMWI) to join the bargaining unit. NTEU has formally requested that the CFPB review and correct the bargaining unit status for nine non-supervisory OMWI employees whose duties remain consistent with bargaining unit eligibility. These employees were previously classified as bargaining unit members prior to a reorganization that did not alter the nature of their work.

Despite repeated requests from employees and the NTEU—most recently on January 22, 2025—CFPB management has failed to provide any justification for their continued exclusion from the bargaining unit. CFPB's Office of Human Capital has acknowledged that a review is underway, but no timeline has been provided. Given the well-established federal labor law on this matter, it is imperative that CFPB conducts a fair, timely and transparent review consistent with past practice and applicable legal standards.

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<sup>1</sup> 5 U.S.C. § 7102

The CBA explicitly requires CFPB to maintain a workplace free from discrimination and to uphold principles of inclusion and respect.<sup>2</sup> Any modifications to policies affecting bargaining unit employees, including changes to Equal Employment Opportunity (EEO) programming, employee training, and Employee Resource Groups (ERGs), must comply with the Bureau’s collective bargaining obligations under the Federal Service Labor-Management Relations Statute.<sup>3</sup> Additionally, the CBA clearly states that “Should any conflict arise between the terms of this Agreement and any Government-Wide Rule/Regulation or Employer Rule/Regulation issued after the effective date of this Agreement, the terms of this Agreement will supersede and govern unless specifically indicated otherwise.” The current CBA remains in effect through 2028, and changes to its provisions require mutual agreement between CFPB and NTEU, which CFPB has not sought.

As an independent agency, you are not bound to over-interpret or over-comply with executive orders that do not align with your statutory obligations. Despite your and President Trump’s orders for CFPB employees to stay home and stop their work, you should fulfill your legal responsibilities, foster an inclusive workplace, and serve the public interest in a manner consistent with your agency’s mission and the values of equity and fairness.

Given the statutory mandates regarding diversity and inclusion, as it relates to federal workforce and contracting, we request that you provide a legal analysis justifying why compliance with these executive orders are necessary, if at all, in your agency’s case. We also ask that you provide all documents and communications your agency has sent to or received from the Office of Personnel Management (OPM) related to OMWI staff, including guidance, directives, or discussions concerning the status, roles, or potential reassignment of personnel within these offices.

Finally, we request an immediate briefing from the CFPB on the status of your OMWIs, no later than February 27<sup>th</sup>, 2025. This briefing should include budget amounts for OMWI and Equal Employment offices for 2024, and projected budgets for 2025.

Sincerely,



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Maxine Waters  
Ranking Member, Committee on  
Financial Services




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Joyce Beatty  
Member of Congress



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Emanuel Cleaver, II  
Member of Congress



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Danny K. Davis  
Member of Congress

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<sup>2</sup> Consumer Financial Protection Bureau and National Treasury Employees Union. *Collective Bargaining Agreement* (Article 6, Section 1.A).

<sup>3</sup> 5 U.S.C § 7102



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Cleo Fields  
Member of Congress



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Al Green  
Member of Congress



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Gwen S. Moore  
Member of Congress