

Congress of the United States

Washington, DC 20515

February 14, 2025

The Honorable Scott Bessent
Secretary
US Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

The Honorable Travis Hill
Acting Chairman
Federal Deposit Insurance Corporation
550 17th Street, N.W.
Washington, D.C. 20429

The Honorable Naa Awaa Tagoe
Acting Director
Federal Housing Finance Agency
400 7th Street, S.W. 10th Floor
Washington, D.C. 20219

The Honorable Jerome Powell
Chair
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue NW
Washington, DC 20551

The Honorable Mark T. Uyeda
Acting Chairman
Security Exchange Commission
100 F Street, NE
Washington, DC 20549

The Honorable Kyle S. Hauptman
Chairman
National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314

The Honorable Rodney Hood
Acting Comptroller
Office of the Comptroller of the Currency
400 7th St SW
Washington, DC 20219

Secretary Bessent, Acting Chairman Hill, Acting Director Tagoe, Chair Powell, Acting Chairman Uyeda, Chairman Hauptman, and Acting Comptroller Hood,

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.

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.

For agencies governed by Boards or Commissions, we ask that you indicate to what extent you have consulted with other Board Members or Commissioners in determining whether and how your agency is complying with section 342 of Dodd-Frank, as well as any other federal anti-discrimination laws.

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

As independent agencies, you are not bound to over-interpret or over-comply with executive orders that do not align with your statutory obligations. Instead, we encourage you to remain steadfast in upholding your legal responsibilities, fostering inclusive workplaces, and serving the public interest in a manner consistent with your agency's mission and the values of equity and fairness.

Sincerely,



Maxine Waters
Ranking Member, Committee on
Financial Services



Nydia M. Velázquez
Member of Congress



Al Green
Member of Congress



Emanuel Cleaver, II
Member of Congress



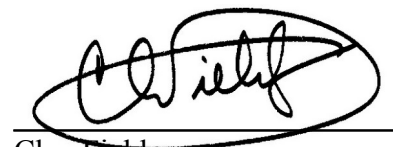
Joyce Beatty
Member of Congress



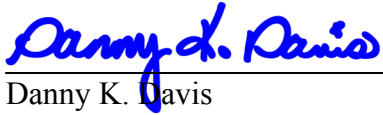
Rashida Tlaib
Member of Congress



Sylvia R. Garcia
Member of Congress



Cleo Fields
Member of Congress



Danny K. Davis
Member of Congress



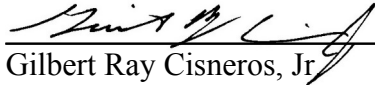
Gwen S. Moore
Member of Congress



Delia C. Ramirez
Member of Congress



André Carson
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress