

SHERROD BROWN, OHIO, CHAIRMAN
JACK REED, RHODE ISLAND
ROBERT MENENDEZ, NEW JERSEY
JON TESTER, MONTANA
MARK WARNER, VIRGINIA
ELIZABETH WARREN, MASSACHUSETTS
CHRIS VAN HOLLEN, MARYLAND
CATHERINE CORTEZ MASTO, NEVADA
TINA SMITH, MINNESOTA
KYRSTEN SINEMA, ARIZONA
JON OSSOFF, GEORGIA
RAPHAEL G. WARNOCK, GEORGIA
PATRICK J. TOOMEY, PENNSYLVANIA
RICHARD C. SHELBY, ALABAMA
MIKE CRAPO, IDAHO
TIM SCOTT, SOUTH CAROLINA
MIKE ROUNDS, SOUTH DAKOTA
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA
BILL HAGERTY, TENNESSEE
CYNTHIA M. LUMMIS, WYOMING
JERRY MORAN, KANSAS
KEVIN CRAMER, NORTH DAKOTA
STEVE DAINES, MONTANA

LAURA SWANSON, STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

United States Senate
COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS
WASHINGTON, DC 20510-6075

July 13, 2021

The Honorable Rohit Chopra
Commissioner
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580

Dear Commissioner Chopra:

We are concerned with your refusal to respond to a congressional request seeking information about potential violations of law at the Consumer Financial Protection Bureau (CFPB).

As you know, you received a Senate Banking Committee letter¹ on June 17th seeking basic answers about your knowledge of allegations detailed in recent press reports² over the improper treatment of employees at the CFPB. According to the allegations in the press reports, political leadership at the CFPB under the Biden administration has taken questionable and possibly unlawful actions to push out top-level CFPB career civil servants in order to fill those civil service positions with hand-picked loyalists.³ Such actions reportedly include offering employees extraordinary separation incentives to leave their posts and placing employees on administrative leave after opening up frivolous investigations against them. These allegations, if true, may violate employment and other laws.⁴

Notwithstanding the gravity of these allegations and the fact that the you were asked to provide answers to straightforward questions by no later than June 21st, to date you have provided no response to the letter and have also ignored every inquiry into whether you intend to respond.⁵

¹ Letter from Sen. Pat Toomey, Ranking Member, Committee on Banking, Housing, and Urban Affairs, to Rohit Chopra, Commissioner, Federal Trade Commission (Jun. 17, 2021), *available at* https://www.banking.senate.gov/imo/media/doc/letter_to_chopra.pdf.

² Eric Katz, *Biden Employs Aggressive Strategy to Sideline Top Career Officials at Consumer Protection Bureau*, Government Executive (Jun. 14, 2021), <https://www.govexec.com/management/2021/06/biden-employs-aggressive-strategy-sideline-top-career-officials-consumer-protection-bureau/174711/>.

³ *Id.*

⁴ *Id.*

⁵ Although a member of your Federal Trade Commission (FTC) staff acknowledged receipt of the Ranking Member's letter and FTC staff have confirmed to the Ranking Member's Committee staff that you were aware of the request for information, your staff have subsequently ignored multiple inquiries from Committee staff regarding whether you intend to respond to the letter. Moreover, in addition to ignoring inquiries from the Ranking Member and Committee staff about the serious allegations contained in these press reports, you also appear to be ignoring press inquiries about this matter. *See, e.g.,* Katy O'Donnell, *Toomey accuses CFPB nominee Chopra of Stonewalling, questions 'fitness to serve,' Politico Pro* (Jun. 24, 2021) ("[Mr.] Chopra did not immediately respond to a request for comment. The CFPB said it is working on its response to Toomey.").

Your refusal to answer basic questions about whether you were privy to the troubling and possibly unlawful actions described in the press is unacceptable from a federal nominee and in our view should disqualify you from consideration as CFPB Director. As you know, the questions in the letter of June 17th focused on whether you were or were not aware of the allegations described in the press reports. These were primarily “yes” or “no” questions. In this context, your refusal to simply deny such knowledge creates the appearance that you are attempting to conceal what you knew about this matter.

Any individual nominated to lead a federal agency should be expected to provide truthful and clear answers to fair and basic questions from Congress. Any nominee who refuses to do so during their nomination has not earned the right to be confirmed. Indeed, if you are refusing even to respond to congressional inquiries while your nomination is pending before the Senate, there is little doubt about how you will treat such inquiries if confirmed. While providing these answers is not a sufficient basis for earning confirmation to a senior position in the federal government, we view it as a necessary prerequisite.

Accordingly, we call on you to promptly and completely answer the questions contained in the Senate Banking Committee letter of June 17th.

Thank you for your attention to this matter.

Sincerely,



Pat Toomey
U.S. Senator



Richard Shelby
U.S. Senator



Mike Crapo
U.S. Senator



Tim Scott
U.S. Senator



M. Michael Rounds
U.S. Senator



Thom Tillis
U.S. Senator



John Kennedy
U.S. Senator



Bill Hagerty
U.S. Senator



Cynthia Lummis
U.S. Senator



Jerry Moran
U.S. Senator



Kevin Cramer
U.S. Senator



Steve Daines
U.S. Senator

cc: The Honorable Sherrod Brown, Chairman, Senate Committee on Banking, Housing, and Urban Affairs