UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL TREASURY EMPLOYEES UNION, *et al.*, *Plaintiffs*, v. RUSSELL VOUGHT, in his official capacity as Acting Director of the Consumer Financial Protection Bureau, *et al.*, *Defendants*.	Case No. 1:25-cv-00381-ABJ

NOTICE OF POTENTIAL LAPSE IN APPROPRIATIONS TO PAY THE EXPENSES OF THE BUREAU

Defendants respectfully submit this notice to inform the Court and the parties that the Consumer Financial Protection Bureau ("CFPB" or the "Bureau") anticipates exhausting its currently available funds in early 2026. Under the Office of Legal Counsel's opinion, issued on Friday, "the Federal Reserve currently lacks combined earnings from which the CFPB can draw" pursuant to 12 U.S.C. § 5497(a)(1). Exhibit A at 20, attached. In light of the Office of Legal Counsel opinion, the Acting Director of the Bureau anticipates preparing a report to the President and to congressional appropriations committees, as statutorily required, identifying the "funding needs of the Bureau." *See* 12 U.S.C. § 5497(e)(1)(B). The Bureau does not know whether and the extent to which Congress will appropriate funding to pay the expenses of the Bureau.

The Antideficiency Act restricts the conduct of business by agencies during a lapse in appropriations. The Act generally prohibits agency heads and their employees from making or authorizing expenditures or obligations in excess of or in advance of appropriations unless authorized by law, and from working, even on a voluntary basis, except in very limited circumstances involving "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. The law provides that "the term 'emergencies involving the safety of human life or the protection of property' does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." *Id.*

The Bureau acknowledges that this Court's injunction, which restricts the agency's conduct regarding employment, contracting, and facilities, among other things, remains in effect. Defendants do not understand any provision of the Court's injunction to impose obligations on the agency that would violate the Antideficiency Act. The Bureau anticipates having sufficient funds to continue operations pursuant to the Court's injunction until at least December 31, 2025.

Dated: November 10, 2025

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