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## Crapo, Hensarling File Amicus Brief in Support of CFPB Acting Director Mulvaney

Washington, Mar 2 -

**WASHINGTON** – Today, 38 Senators and 75 Representatives, led by Senate Banking Committee Chairman Mike Crapo (R-Idaho) and House Financial Services Committee Chairman Jeb Hensarling (R-Texas), filed an [amicus brief](#) in support of Acting Director Mulvaney and the President’s authority to designate an Acting Director of the Consumer Financial Protection Bureau (CFPB) under the Federal Vacancies Reform Act (FVRA).

“The Federal Vacancies Reform Act has been U.S. law for 20 years,” said **Chairman Crapo**. “If Congress wanted to supersede the Vacancies Reform Act, and prevent a president from appointing an Acting Director, it could have done so in the text of Dodd-Frank. But, Congress chose not to. I have long argued that the CFPB lacks sufficient accountability, but Director Mulvaney has so far made the Bureau more accountable and transparent, while also fulfilling its mission of protecting consumers. It is in the public’s best interest for him to serve until the nomination and confirmation of a permanent Director.”

“For nearly two decades, the President has had the authority to appoint an interim director under the Federal Vacancies Act,” said **Chairman Hensarling**. “It’s what the Justice Department says, and it’s what the CFPB’s own General Counsel - an Obama appointee - says. Director Mulvaney continues to be an outstanding Acting Director as he restores true and meaningful accountability and due process of law to an agency that desperately needs it. After all, the problem with the CFPB isn’t who’s running it, the problem is the CFPB and its creator, the Dodd-Frank Act.”

The brief argues that the text of the Federal Vacancies Reform Act (FVRA) authorizes the President to designate the CFPB’s Acting Director, and this authority is not superseded by Title X of the Dodd-Frank Act. It also argues that the Plaintiff’s position risks presidential encroachment on the advice and consent power of

Congress; that the Court should avoid Constitutional issues presented by the Plaintiff; and that the Plaintiff's requested preliminary relief is not in the public interest.

[Link to brief.](#)

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