

CONSTITUTIONAL 
ACCOUNTABILITY CENTER

The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Seila Law LLC v. Consumer Financial Protection Bureau*, No. 19-7

Dear Mr. Harris:

On October 11, 2019, the Court will be considering whether to grant certiorari in this case, which raises the question whether portions of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank) violate the separation of powers by, among other things, allowing the President to remove the Director of the Consumer Financial Protection Bureau (CFPB) only for “inefficiency, neglect of duty, or malfeasance in office.”

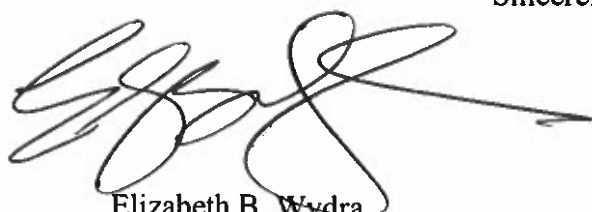
On September 17, 2019, the Department of Justice and the CFPB filed a brief with the Court, indicating that the Department and, by virtue of a recent change in position, the CFPB both now agree that Dodd-Frank’s for-cause limitation on presidential removal of the CFPB Director is unconstitutional and that certiorari is warranted. Therefore, no party in this case is currently defending the constitutionality of the CFPB’s structure.

We are submitting this letter to advise the Court that should it decide to hear this case, our clients—Senator Sherrod Brown, former Senator Christopher J. Dodd, and former Representative Barney Frank—intend to file an *amicus* brief on behalf of themselves and other current and former Members of Congress and to file a motion for leave to participate in oral argument as *amicus curiae*. See, e.g., *NLRB v. Noel Canning*, 134 S. Ct. 811 (2013) (mem.) (granting Senators’ motion for leave to participate in oral argument and for divided argument).

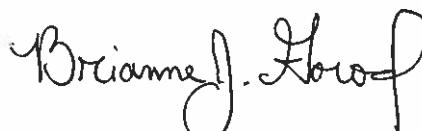
Our clients have joined *amicus* briefs supporting the constitutionality of the CFPB’s structure that were filed on behalf of current and former Members of Congress in numerous lower courts. See *Br. Amici Curiae, CFPB v. RD Legal Funding, LLC*, No. 18-2743 (2d Cir. Mar. 22,

2019); Br. Amici Curiae, *CFPB v. All American Check Cashing, Inc.*, No. 18-60302 (5th Cir. Sept. 17, 2018); Br. Amici Curiae, *PHH Corp. v. CFPB*, No. 15-1177 (D.C. Cir. Mar. 31, 2017). By virtue of their role in drafting and passing Dodd-Frank, as well as their service on committees with jurisdiction over federal financial regulatory agencies and the banking industry, our clients are well positioned to explain the essential role that the CFPB plays in the legislative plan that Congress put in place when it enacted Dodd-Frank, including why Congress concluded that the CFPB's structure is critical to its ability to play its intended role effectively. For the same reasons, our clients are also particularly well-suited to defend the constitutionality of the CFPB and to seek to preserve the regulatory structure that Congress established when it enacted Dodd-Frank.

Sincerely,



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cc: See Service List