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Opinion

Trump's Consumer Protection Agency Changes Course

In the wake of a recent series of anti-consumer actions taken by Mick Mulvaney, the Trump-appointed Consumer Financial Protection Bureau's Acting Director, a bi-cameral call for accountability was released on January 31. Led by Congresswoman Maxine Waters of California and Sen. Elizabeth Warren of Massachusetts, two other Congressional Black Caucus Members, Congressmen Keith Ellison (D-Minn.) and Al Green (D-Texas) joined Senators Richard Blumenthal (D-Conn.) and Jeff Merkley (D-Ore.) as signatories.

Together, the group of lawmakers seek to know what prompted Mr. Mulvaney's actions as well as his ties to the payday lending industry.

A January 31 letter calls into question the following specific actions that have occurred over the past month:

- Halting implementation of the agency's final rule preventing abusive payday lending (the 'Payday Rule');
- Announcement of the Bureau's intention to initiate a rulemaking process that appears designed to weaken the Payday Rule;
- Withdrawing a Bureau lawsuit against four online payday lenders who allegedly misled customers on inter-



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est rates that spanned a low of 440 percent to as high as 950 percent; and

- Ending an investigation of World Acceptance Corporation, a high-cost installment lender that began in 2014 after consumers complained of unaffordable loans and aggressive collection practices.

"For too long, some payday, auto title, and installment lenders have taken advantage of American workers who need a little extra money to pay an unexpected medical bill or fix their car," wrote the lawmakers. "For too many families, one unexpected expense or tight week traps them in a cycle of debt that lasts months or years...The rule finalized by the CFPB last October was carefully balanced to end that cycle of debt while ensuring that borrowers retain access to needed credit."

The Dodd-Frank Wall Street Reform Act that created the CFPB intended for it to be an

independent agency, charged with serving as the consumer's financial cop-on-the-beat. Its director was to be nominated by the President and confirmed by the Senate to a five-year term of service. Ad-

“One unexpected expense or tight week traps them in a cycle of debt

ditionally, CFPB was to secure its funding directly from the Federal Reserve Bank, rather than through Congress' annual appropriations process that could enable powerful special interests to restrict necessary funding.

Even though the Dodd-Frank Act also defined a succession plan for an Acting Director in the event of personnel changes, two people were appointed to this same role. One, Leandra English was lawfully appointed by the former Director Richard Cordray, while another, Mr. Mulvaney, was appointed by President Trump. The lawmakers' letter is addressed to both appointees.

An appellate federal court will eventually decide who

should be the legal Acting Director; but in the interim, Mulvaney leads CFPB while retaining his position as Director of the Office of Management and Budget. In his prior role as a South Carolina Congressman, he co-sponsored a bill to eliminate the CFPB and accepted nearly \$63,000 in campaign donations from payday lenders. These donations included \$4,500 from World Acceptance Corporation's political action committee.

"The CFPB spent five years honing the Payday Rule, conducting research and reviewing over one million comments from all types of stakeholders: from payday lender, to state regulators, to faith leaders," wrote Ranking Members Warren and Waters.

Now Mr. Mulvaney oversees the daily operations of the same Bureau that returned \$12 billion to nearly 30 million consumers in about six years. Instead of regulating financial services, this Acting Director prefers allowing private enterprise to determine consumers' choices — including those that are harmful and predatory.

Read the rest of this commentary at TheSkanner.com

Black Women Show the Way Forward in 2018

There is a reckoning afoot in this country. On one side, Trump has emboldened and embodied a virulent and reckless hate that targets women, Black people, and immigrants (among many others). Each day brings a new outrage. On the other side, #MeToo has followed #BlackLivesMatter as a hashtag-turned-movement, led by courageous truth-tellers who are sick and tired of a violent and largely ignored status quo. The conversation about race and gender in this country has broken open, and now we must all contend with the truth of who we are as a nation.

While this may feel like scary and unfamiliar territory to some, in reality, the U.S. is just catching up to an un-



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derstanding and analysis that Black women in this country have had for a long time. Black women have never had the luxury of ignorance—not to police violence, not to the rampant sexual harassment and assault that women experience at home, school, and work. In 2018, we should look to the work of Black women to see the path forward for a troubled and divided nation. In a way, Black women scholars and organizers have left breadcrumbs for us to follow

to liberation.

In 1989, legal scholar Kimberlé Crenshaw coined the term "intersectionality" in her paper for the University of Chicago Legal Forum to explain how Black women's oppression on the basis of gender combined with oppression on the basis of race to create an experience of discrimination did not match what either white women or Black men experience. This concept would lay the groundwork for social justice organizing that now spans the globe, and provided a vocabulary for something Black women experience on a daily basis. While intersectionality risks dilution as an increasingly popular buzzword, the analysis it provides is a crucial tool to cut through

the noise and understand the Trump administration's policies and their impact on different communities.

Take for instance the recent Jane Doe case, and similar cases, of the Trump administration blocking young immigrant women from getting reproductive health-care. The mistreatment of the "Janes" (as they've come to be called) at the hands of the Trump administration targets them both as women and as immigrants, and the two identities cannot be pulled apart. "Intersectionality" provides an analysis that explains why their treatment is so much more extreme, and its impact so severe.

Read the rest of this commentary at TheSkanner.com



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