

Special Alert: CFPB Director Cordray Resigns, Attempts to Name Successor

Today, CFPB Director Richard Cordray [named](#) the agency's chief of staff, Leandra English, as the bureau's deputy director, and submitted his resignation to President Trump. The moves follow media reports that President Trump planned to appoint OMB Director Mick Mulvaney as the acting director of the CFPB under the Federal Vacancies Reform Act and may signal a confrontation between current bureau leadership and the White House over succession at the agency.

As discussed in this [article](#) by Buckley Sandler partners Andrew Sandler and Benjamin Olson, section 1101(b) of the Dodd-Frank Act (12 U.S.C. § 5491(b)) provides that the CFPB's director may appoint the deputy director who "shall ... serve as acting Director in the absence or unavailability of the Director." In his statement to CFPB staff, Director Cordray specifically stated that English would become the acting director under this provision. He did not, however, reference the provision in his resignation letter to the president.

Last week, a spokesman for Senate Minority Leader Chuck Schumer last week provided a [statement](#) that Senate Democrats believe the Dodd-Frank Act controls over the Federal Vacancies Reform Act, which allows the president to fill a vacancy temporarily by appointing an official from another agency who has been confirmed by the Senate until a permanent replacement is confirmed. Thus, Cordray's appointment of English may be intended to block the president's appointment of Mulvaney as acting director and instead force the White House to go through the Senate confirmation process to appoint a director.

According to the bureau's announcement, English, who is not an attorney, has previously held leadership positions at the CFPB, the Office of Management and Budget, and the Office of Personnel Management. The announcement also stated that David Silberman, who had been serving as acting deputy director, would continue in his role as associate director of the Research, Markets, and Regulations division.

If you have questions about the announcement or other related issues, please visit our [Consumer Financial Protection Bureau](#) practice page, or contact a Buckley Sandler attorney with whom you have worked in the past.