

August 28, 2017

The Honorable Richard Cordray
Director
Bureau of Consumer Financial Protection
1700 G Street, NW
Washington, DC 20552

Dear Director Cordray:

I am writing to express concern regarding several recent news reports about the process being employed to finalize the Bureau's rule entitled "Payday, Vehicle Title, and Certain High-Cost Loans." For instance, one article reports that the Bureau is "moving quickly to release a rule regulating payday lenders by the fall in a final push before the widely expected departure of Director Richard Cordray" and that you are "personally involved in the rulemaking process, going so far as to set up a conference room near [your] office that is serving as a 'war room' in the final push to finish the payday rule."¹ Additionally, another article recently quoted Ohio Supreme Court Justice Bill O'Neill as saying that a mutual friend of yours, whom he declined to name, "openly stated" that you are going to enter the 2018 Democratic gubernatorial primary and that "The person I was talking to last week was saying that [Cordray] is basically trying to get as many projects done in Washington as he can before he leaves."²

These reports, which have not been rebutted by the Bureau, suggest that your personal political ambitions may be informing decisions you are making regarding what is supposed to be a nonpartisan and objective agency rulemaking process governed by the Administrative Procedure Act. Simply put, there is no valid legal basis for accelerating a federal rulemaking to satisfy an arbitrary deadline necessitated by election dates established under Ohio law. If this is the case, it undoubtedly opens the Bureau's rule up to legal challenge.

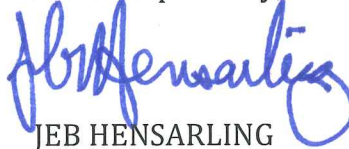
To assure the public of the integrity on the Bureau's rulemaking process, please provide the Committee with the following in writing by no later than August 30, 2017:

¹ See Kate Berry, "CFPB to act fast on payday rule ahead of likely Cordray exit," National Mortgage News (July 26, 2017), available at <https://www.nationalmortgagenews.com/news/cfpb-to-act-fast-on-payday-rule-ahead-of-likely-cordray-exit>.

² See, Jeremy Pelzer, "Richard Cordray is running for Ohio governor, Supreme Court justice was told," Cleveland.com (July 19, 2017), available at http://www.cleveland.com/politics/index.ssf/2017/07/richard_cordray_is_running_for.html.

1. Your categorical denial that political considerations have informed any aspect of your decisions, orders and communications relating to this rule;
2. Your assurance that all records relating to this rulemaking will be preserved; and
3. Confirmation that you intend to serve your full statutory term as Bureau Director, or, if you do not intend to serve your full term, confirmation of the date on which you intend to resign from office.

Yours Respectfully,



JEB HENSARLING
Chairman

cc: The Honorable Maxine Waters