

President Trump's Comptroller of the Currency Nomination May Trigger Presidential Power Implications for President-Elect Biden

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On November 17, President Trump nominated current Acting Director of the Office of the Comptroller of the Currency Brian Brooks to a full five-year term as the comptroller of the currency. Though the nomination occurs during President Trump's lame-duck period, Brooks still must receive approval in the Senate. If confirmed, soon-to-be President Biden may attempt to remove Brooks from office based on the holding in *Seila Law LLC v. Consumer Fin. Prot. Bureau*, 140 S. Ct. 2183 (2020), which held that a president has the power to remove officials for any reason, not just for cause.

The law states that "[t]he Comptroller of the Currency shall be appointed by the President... and shall hold his office for the term of five years unless sooner removed by the President, upon reason to be communicated by him to the Senate." Until now, the power of the president to remove the comptroller of the currency has gone untested. As such, a Brooks' confirmation may instigate another battle regarding the president's power to remove an appointed official confirmed by the Senate.

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