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# Legislative Branch Agency Appointments: History, Processes, and Recent Actions

Updated February 20, 2024

**Congressional Research Service**

<https://crsreports.congress.gov>

R42072



R42072

February 20, 2024

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## Legislative Branch Agency Appointments: History, Processes, and Recent Actions

The leaders of the legislative branch agencies and entities—the Government Accountability Office (GAO), the Library of Congress (LOC), the Congressional Research Service (CRS), the Government Publishing Office (GPO, formerly Government Printing Office), the Office of the Architect of the Capitol (AOC), the U.S. Capitol Police (USCP), the Congressional Budget Office (CBO), the Office of Congressional Workplace Rights (OCWR), and the Congressional Office for International Leadership (COIL, formerly the Open World Leadership Center)—are appointed in a variety of manners.

Congress has periodically examined the procedures used to appoint these officers with the aim of protecting the prerogatives of, and ensuring accountability to, Congress within the framework of the advice and consent appointment process established in Article II, Section 2 of the Constitution.

Most recently, legislation enacted in the 118<sup>th</sup> Congress altered the appointment process for the Architect of the Capitol. The Architect of the Capitol Appointment Act of 2023 was enacted within the National Defense Authorization Act for Fiscal Year 2024 (H.R. 2670, P.L. 118-31) on December 22, 2023. The act places responsibility for the appointment of the Architect within a congressional commission comprised of 12 Members. Under the new procedure, the appointment is pursuant to a majority vote of the commission, as is reappointment or removal.

Following this change, three agencies are led by a person appointed by the President, with the advice and consent of the Senate; three are appointed by Congress (i.e., by designated Members, leaders, a commission comprised of Members, or officers); one is appointed by the Librarian of Congress; one is appointed by a board of directors; and one is appointed by the Librarian of Congress on behalf of the board of trustees.

This report contains information on the legislative branch agency heads' appointment processes, length of tenures (if terms are set), reappointment or removal provisions (if any), salaries and benefits, and most recent appointments.

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## Introduction

The leaders of legislative branch agencies and entities—the Government Accountability Office, the Library of Congress, the Government Publishing Office (formerly Government Printing Office), the Office of the Architect of the Capitol, the U.S. Capitol Police, the Congressional Budget Office, the Congressional Research Service, the Office of Congressional Workplace Rights, and the Congressional Office for International Leadership (formerly the Open World Leadership Center)—are appointed in a variety of manners.

The first three agencies listed above are led by a person appointed by the President, with the advice and consent of the Senate. The next three are appointed by Congress (i.e., by designated Members or officers), the next by the Librarian of Congress (after consultation with the Joint Committee on the Library), the next by a board of directors, and the last is appointed by the Librarian of Congress on behalf of the board of trustees.

The most recent change in appointment process for any of these positions occurred with the enactment of the Architect of the Capitol Appointment Act of 2023 (within the National Defense Authorization Act for Fiscal Year 2024, H.R. 2670, P.L. 118-31) on December 22, 2023.

Congress has periodically examined the procedures used to appoint legislative branch officers with the aim of protecting the prerogatives of, and ensuring accountability to, Congress within the framework of the advice and consent appointment process established in Article II, Section 2 of the Constitution.<sup>1</sup> Legislation to alter the appointment process for legislative branch agencies and entities has periodically been introduced for many years.<sup>2</sup>

Questions remain about various reform proposals, including the ability of Congress to remove the President from the appointment process for some of these positions. These may depend upon the implication or interpretation of the Appointments Clause of the Constitution, the definition of an “officer of the United States,” the specific office or agency in question, and whether or not a change in appointing authority would require any revision in the powers and duties of legislative branch agency leaders. Some previous reforms and proposals have also attempted to find a role for the House of Representatives, which does not play a formal role in the confirmation of presidential nominees, in the search for legislative branch officials.

## Overview by Legislative Branch Agency or Entity

The following sections contain information on the legislative branch agency heads’ appointment processes, length of tenures (if terms are set), reappointment or removal provisions (if any),

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<sup>1</sup> This section states The President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.”

<sup>2</sup> For example, see H.R. 8616, S. 2206, and S. 2205 (94<sup>th</sup> Cong.); S. 1278 and H.R. 63 (93<sup>rd</sup> Cong.); and H.R. 17102 (92<sup>nd</sup> Cong.). In more recent Congresses, the Legislative Branch Officer Appointment Act of 2005 (H.R. 4446, 109<sup>th</sup> Cong.) and the Architect of the Capitol Appointment Act of 2008 (H.R. 6656, 110<sup>th</sup> Cong.) were introduced and referred to committees, although no further action was taken. In the 111<sup>th</sup> Congress, two measures (H.R. 2185 and H.R. 2843) were introduced to remove the President from the Architect appointment process and shift it to the congressional leaders and chairs and ranking Members of specific congressional committees. H.R. 2843, the Architect of the Capitol Appointment Act of 2010, passed the House on February 3, 2010, but received no further consideration. In the 118<sup>th</sup> Congress, see H.R. 3196, S.Amdt. 220 and S.Amdt. 935 to S. 2226; and H.R. 2670 (P.L. 118-31).

salaries and benefits, and most recent appointments. Information is provided on each agency and summarized in **Table 1**.

The report does not address all statutorily established appointive positions in the legislative branch. Additional positions—including some deputies, inspectors general, counsels, and leaders of service units or divisions—are beyond the scope of this report, but may be addressed in other CRS products.

**Table 1. Legislative Branch Agency and Entity Executives: Summary of Appointment Process, Tenure, and Salaries**

Agency (Top Official)	Appointment Process	Tenure	Salary <sup>a</sup>
Architect of the Capitol (Architect of the Capitol)	Majority vote of a congressional commission comprised of 12 Members	10 years May be reappointed	Equivalent to Level II of the Executive Schedule <sup>a</sup>
Government Accountability Office (Comptroller General)	Advice and Consent; congressional commission recommends names to the President	15 years Not eligible for reappointment	Equivalent to Level II of the Executive Schedule <sup>a</sup>
Government Publishing Office (Director)	Advice and Consent	10 years May be reappointed	Equivalent to Level II of the Executive Schedule <sup>a</sup>
Library of Congress (Librarian of Congress)	Advice and Consent	10 years May be reappointed	Equivalent to Level II of the Executive Schedule <sup>a</sup>
Congressional Research Service (Director)	Appointed by the Librarian after consultation with the Joint Committee on the Library	None specified in law	“the greater of the rate of pay in effect for level III of the Executive Schedule” or “the maximum annual rate of basic pay payable ... for positions at agencies with a [certified] performance appraisal system” <sup>a</sup>
Capitol Police (Chief)	Appointed by the Capitol Police Board	None specified in law	Equivalent to Level II of the Executive Schedule <sup>a</sup>
Congressional Budget Office (Director)	Appointed by Speaker and President pro tempore after consideration of recommendations of the Committees on the Budget	4 years May be reappointed	Maximum rate of compensation paid to employees of the Senate, which is also equivalent to Level II of the Executive Schedule <sup>a</sup>
Office of Congressional Workplace Rights (Executive Director)	Appointed by Chair of the Board of Directors of the Office of Congressional Workplace Rights, subject to the approval of the Board	5 years May serve up to two terms	Established by Chair of the Board at a rate not to exceed the maximum rate of compensation paid to employees of the Senate, which is also equivalent to Level II of the Executive Schedule <sup>a</sup>
Congressional Office for International Leadership (Executive Director)	Appointed by the Librarian of Congress on behalf of the Board of Trustees	None specified in law	Established by the Board at a rate not to exceed Level III of the Executive Schedule <sup>a</sup>

**Source:** Congressional Research Service. See sections on the individual positions for additional information.

**Notes:**

- a. For information on 2024 rates for certain senior officials, see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/pay-executive-order-2024-adjustments-of-certain-rates-of-pay.pdf>. In addition, OPM Salary Table No. 2024-EX, “Rates of Basic Pay for the Executive Schedule (EX),” effective January 2024, includes the official 2024 EX rates, which are also the payable rates for officials not covered by the freeze. It also states “The Further Continuing Appropriations and Other Extensions Act, 2024 (P.L. 118-22, November 16, 2023) continues the pay freeze on the payable pay rates for the Vice President and certain senior political appointees through February 2, 2024. Future Congressional action will determine whether the pay freeze continues beyond that date.” From calendar year 2014 through calendar year 2018, legislation limited pay increases for certain appointees who are paid at rates equal to the Executive Schedule (P.L. 113-76, Division E, title VII, §741, January 17, 2014; P.L. 113-235, Division E, title VII, §738, December 16, 2014; P.L. 114-113, Division E, title VII, §738, December 18, 2015; P.L. 115-31, Division E, title VII, §738, May 5, 2017; P.L. 115-141, Division E, title VII, §738, March 23, 2018). The Consolidated Appropriations Act, 2019 (P.L. 116-6, Division D, title VII, §749, February 15, 2019) applied a modified pay freeze to calendar year 2019. The Consolidated Appropriations Act, 2020 (P.L. 116-93, Division C, title VII, §749, December 20, 2019), the Consolidated Appropriations Act, 2021 (P.L. 116-260, Division E, title VII, §748, December 27, 2020), the Consolidated Appropriations Act, 2022 (P.L. 117-103, Division E, §747, March 15, 2022), the Consolidated Appropriations Act, 2023 (P.L. 117-328, Division E, §747, December 29, 2022), and the Further Continuing Appropriations and Other Extensions Act, 2024 (P.L. 118-22, §141, November 16, 2023) continued this modified freeze. Level II is the salary for many deputy secretaries and heads of independent agencies (5 U.S.C. §5313). The 2024 Level II rate for officials not covered by the freeze is \$221,900. The 2024 Level II rate for officials covered by the freeze is \$183,100. For positions linked to the maximum rate of compensation of Senate employees, see 2 U.S.C. §4575(f) (Gross rate of compensation of employees paid by Secretary of Senate, general limitation).

## Architect of the Capitol

Legislation to change the appointment of the Architect was considered and enacted in the 118<sup>th</sup> Congress.

On May 10, 2023, H.R. 3196, the Architect of the Capitol Appointment Act of 2023, was introduced and referred to the Committee on House Administration, and in addition to the House Committee on Transportation and Infrastructure. This bill would have made the Architect’s appointment based on a majority vote of a congressional commission, maintained the 10-year term of office, and allowed for removal with a majority vote of the members of the appointing commission.<sup>3</sup>

Additionally, S.Amdt. 220 to S. 2226, a Senate floor amendment to the Senate FY2024 National Defense Authorization Act (NDAA), filed by Senator Klobuchar (for herself and Senator Fischer) on July 12, 2023, included the Architect appointment provision as proposed in H.R. 3196, though the amendment was not offered to the bill.

The Architect appointment provision was included, however, in S.Amdt. 935, a full-text substitute “managers’ package” offered by Senator Schumer on behalf of Senator Reed, which incorporated the text of 51 different filed amendments to the bill. Senate passage of S. 2226, as amended, on July 27, 2023, included the Architect appointment provision.

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<sup>3</sup> The congressional commission proposed in H.R. 3196 and eventually enacted in P.L. 118-31 is comprised of “the Speaker of the House of Representatives, the majority leader of the Senate, the minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on Appropriations of the House of Representatives, the chairman and ranking minority member of the Committee on Appropriations of the Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, and the chairman and ranking minority member of the Committee on Rules and Administration of the Senate” (H.R. 3196, 118<sup>th</sup> Congress).

The Senate offered the S. 2226 text, as passed, as a Senate amendment to the House FY2024 NDAA (H.R. 2670), which did not previously include the Architect appointment provision, also on July 27, 2023. The Senate and House agreed to the conference report on December 13 and 14, 2023, respectively. H.R. 2670 was enacted on December 22, 2023, with the identical Architect appointment provision (P.L. 118-31).

Previously, pursuant to the Legislative Branch Appropriations Act, 1990,<sup>4</sup> the Architect was “appointed by the President by and with the advice and consent of the Senate for a term of 10 years.”<sup>5</sup> The act also established a congressional commission responsible for recommending individuals to the President for the position of Architect of the Capitol. The commission, originally consisting of the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and the Senate, and the chairs and the ranking minority Members of the Committee on House Administration and the Senate Committee on Rules and Administration, was expanded in 1995 to include the chairs and ranking minority Members of the House and Senate Appropriations Committees.<sup>6</sup>

Prior to 1989, the Architect was selected by the President for an unlimited term without any formal involvement of Congress. The FY1990 act, however, followed numerous attempts dating at least to the 1950s to alter the appointment procedure to provide a role for Congress. The proposals included requiring the advice and consent of the Senate,<sup>7</sup> establishing a commission to recommend names to the President, and removing the appointment process from the President and instead making the Architect appointed solely by Congress.

The salary for the Architect has been statutorily changed a few times in recent years. Beginning with the enactment of the FY2002 Legislative Branch Appropriations Act, the Architect was compensated at an “annual rate which is equal to the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”<sup>8</sup> In general, this level was equivalent to \$1,500 below the salary of Members of Congress.

Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the Architect of the Capitol was set “at an annual rate which is equal to the maximum rate of pay in effect under section 4575(f) of Title II” of the *U.S. Code* (e.g., maximum rate of compensation of Senate employees).<sup>9</sup>

A provision included in the House-reported FY2021 legislative branch appropriations bill, H.R. 7611, proposed setting pay for the Architect at Level II of the Executive Schedule. This provision was not included in the FY2021 Senate Appropriations Committee majority draft bill or the FY2021 Consolidated Appropriations (P.L. 116-260). A similar provision setting pay at Level II of the Executive Schedule was included in the House-passed FY2022 legislative branch

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<sup>4</sup> P.L. 101-163, November 21, 1989, 103 Stat. 1068.

<sup>5</sup> 2 U.S.C. §1801(a)(1).

<sup>6</sup> P.L. 104-19, July 27, 1995, 109 Stat. 220.

<sup>7</sup> For example, S. 2760 (96<sup>th</sup> Cong., S.Rept. 96-818) passed the Senate on November 24, 1980, but received no further action.

<sup>8</sup> This language was included in the Legislative Branch Appropriations Act, 2002 (P.L. 107-68, §129, November 12, 2001, 115 Stat. 579-580, 2 U.S.C. §1802 note). Prior to 2001, the position was linked to Level III of the Executive Schedule.

<sup>9</sup> P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §1802.

appropriations bill, H.R. 4346, but not the Senate Appropriations Committee chairman’s draft bill. This provision was included in the FY2022 Consolidated Appropriations Act (P.L. 117-103).<sup>10</sup>

## **Most Recent Appointment**

The Acting Architect of the Capitol and Chief of Operations is Joseph DiPietro.<sup>11</sup> He succeeded Chere Rexroat, the Chief Engineer, in this acting role.

On February 13, 2023, previous Architect J. Brett Blanton was informed by the White House that his appointment as Architect was terminated. The termination followed a hearing of the Committee on House Administration on February 9, 2023,<sup>12</sup> and an inspector general report issued on October 26, 2022.<sup>13</sup>

Mr. Blanton was nominated to be Architect of the Capitol by President Donald J. Trump on December 9, 2019. The nomination was referred to the Senate Committee on Rules and Administration. The committee held a hearing on December 12, 2019, and Blanton was confirmed by voice vote in the Senate on December 19, 2019.

Previously, Stephen T. Ayers was nominated by President Obama for a 10-year term on February 24, 2010. The nomination was referred to the Senate Committee on Rules and Administration. The committee held a hearing on April 15, 2010, and Ayers was confirmed by voice vote in the Senate on May 12, 2010. Ayers was previously the Deputy Architect/Chief Operating Officer and had served as Acting Architect of the Capitol following the February 4, 2007, retirement of former Architect of the Capitol Alan Hantman. Upon the retirement of Ayers on November 23, 2018, Christine Merdon, the Deputy Architect of the Capitol/Chief Operating Officer, became the Acting Architect of the Capitol. After her resignation in August 2019, Thomas J. Carroll served as Acting Architect of the Capitol until the confirmation of Blanton.

## **Government Accountability Office**

Pursuant to 31 U.S.C. §703(a)(1), the Comptroller General shall be “appointed by the President, by and with the advice and consent of the Senate.” This procedure dates to the establishment of the agency in 1921.<sup>14</sup> Additionally, a commission procedure established in 1980 recommends individuals to the President in the event of a vacancy.<sup>15</sup> The commission consists of the Speaker of the House, the President pro tempore of the Senate, the majority and minority leaders of the House and Senate, the chairs and ranking minority Members of the Senate Committee on

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<sup>10</sup> P.L. 117-103, March 15, 2022, 136 Stat. 526, 2 U.S.C. §1802.

<sup>11</sup> See “Joseph DiPietro,” U.S. Architect of the Capitol, <https://www.aoc.gov/about-us/organizational-structure/office-chief-operations/ChOps>. Pursuant to 2 U.S.C. §1804, the Deputy Architect of the Capitol acts as the Architect of the Capitol during a vacancy in that position. At the time of Mr. Blanton’s termination as Architect, the deputy position was vacant.

<sup>12</sup> See U.S. Congress, Committee on House Administration, *The Looking Ahead Series: The Architect of the Capitol’s Strategic Plan for the 118<sup>th</sup> Congress*, 118<sup>th</sup> Cong., 1<sup>st</sup> sess., February 9, 2023, at <https://cha.house.gov/committee-activity/hearings/looking-ahead-series-architect-capitols-strategic-plan-118th-congress>.

<sup>13</sup> See “J. Brett Blanton, Architect of the Capitol, Abused His Authority, Misused Government Property and Wasted Taxpayer Money, Among Other Substantiated Violations,” Architect of the Capitol, Office of Inspector General, October, 26, 2022, available at <https://www.oversight.gov/report/AOC/J-Brett-Blanton-Architect-Capitol-Abused-His-Authority-Misused-Government-Property-and>.

<sup>14</sup> Ch. 18, §302, June 10, 1921, 42 Stat. 23. For additional information on discussion prior to enactment, see *Congressional Record*, June 4, 1920 pp. 8609-8613; *Congressional Record*, May 3, 1921, pp. 982-984; *Congressional Record*, May 5, 1921, p. 1079; *Congressional Record*, May 27, 1921, pp. 1855-1859. For a more recent discussion, see H.R. 4296 and *Congressional Record*, October 21, 1998, p. S12980.

<sup>15</sup> P.L. 96-226, 94 Stat. 314-315, April 3, 1980; 31 U.S.C. §703(a)(2).



Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform. The commission is to recommend at least three individuals for this position to the President, although the President may request additional names.

The Comptroller General is appointed to a 15-year term and may not be reappointed.<sup>16</sup> The Comptroller General may be removed by “(A) impeachment; or (B) joint resolution of Congress, after notice and an opportunity for a hearing” and only by reason of permanent disability; inefficiency; neglect of duty; malfeasance; or a felony or conduct involving moral turpitude.<sup>17</sup>

The salary of the Comptroller General is equal to Level II of the Executive Schedule.<sup>18</sup> Additionally, a law enacted in 1953 established a separate retirement system for the Comptroller General.<sup>19</sup>

## Most Recent Appointment

Gene L. Dodaro, then-chief operating officer at GAO, became the acting Comptroller General on March 13, 2008, upon the resignation of David M. Walker,<sup>20</sup> who had previously been confirmed on October 21, 1998. The White House announced Dodaro’s nomination to a 15-year term as Comptroller General on September 22, 2010. The Senate Committee on Homeland Security and Governmental Affairs held a hearing on the nomination on November 18, 2010, and Dodaro was confirmed by the Senate by voice vote on December 22, 2010.

## Government Publishing Office

The Government Publishing Office (GPO; formerly Government Printing Office) was established in 1861. The *U.S. Code*, at 44 U.S.C. §301, states that the President “shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person to take charge of and manage the Government Publishing Office. The title shall be Director of the Government Publishing Office.”

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<sup>16</sup> 31 U.S.C. §703(b).

<sup>17</sup> 31 U.S.C. §703(e). See also *Myers v. United States* (1926); *Humphrey’s Executor v. United States* (1935); and *Bowsher v. Synar* (1986).

<sup>18</sup> P.L. 97-258, September 13, 1982, 96 Stat. 889, 31 U.S.C. §703(f)(1). The FY2024 budget request includes an administrative provision to increase the salary to the payable rate for “Executive Schedule level I in effect on December 31, 2022, except that if at any time during fiscal year 2024 the payable rate for Executive Schedule level I is greater than the rate payable for Executive Schedule level I in effect on December 31, 2022, the payable rate of pay of the Comptroller General shall be that greater rate.” (U.S. Office of Management and Budget, *Budget of the U.S. Government Fiscal Year 2024, Budget Appendix, Legislative Branch*, §8001, p. 38, at [https://www.whitehouse.gov/wp-content/uploads/2023/03/leg\\_fy2024.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/03/leg_fy2024.pdf)).

<sup>19</sup> This “annuity for life [is] equal to the pay the Comptroller General is receiving on completion of the term or at the time of retirement,” subject to increases (67 Stat. 229, 31 U.S.C. §772 et seq.). For additional discussion, see U.S. Congress, Senate Committee on Government Operations, *Comptroller General, Retirement*, S.Rept. 594, 83<sup>rd</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 1953), p. 1; U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany H.R. 2771, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 110-198 (Washington: GPO, 2007), p. 31; and, *Response by Gene L. Dodaro*, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for 2009*, hearings, part 2, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 10, 2008 (Washington: GPO, 2008), pp. 705-706.

<sup>20</sup> Pursuant to 31 U.S.C. §703, “The Comptroller General shall designate an officer or employee of the Government Accountability Office to act as Comptroller General when the Comptroller General and Deputy Comptroller General are absent or unable to serve or when the offices of Comptroller General and Deputy Comptroller General are vacant.”

The current appointment language was enacted in 2014,<sup>21</sup> although the use of the advice and consent procedure for this position can be traced back much further.<sup>22</sup> P.L. 117-213 (S. 4791, 117<sup>th</sup> Congress; enacted October 17, 2022), established a term of 10 years for the director of GPO, with the possibility of reappointment by the President, by and with the advice and consent of the Senate.

The director's pay is equivalent to Level II of the Executive Schedule.<sup>23</sup>

## **Most Recent Appointment**

On October 17, 2019, Hugh Halpern was nominated as director of GPO. The nomination was referred to the Senate Committee on Rules and Administration. The committee held a hearing on November 14, 2019, and Halpern was confirmed by voice vote in the Senate on December 4, 2019.

From November 2017 until the confirmation of Halpern, multiple officials served as acting director. GPO's managing director of plant operations, John Crawford, became acting deputy director on April 1, 2019. GPO's former chief administrative officer, Herbert H. Jackson Jr., served as acting deputy director from July 1, 2018, until his retirement on March 31, 2019. His service followed the retirement of Andrew M. Sherman, formerly GPO's chief of staff, who had been serving as acting deputy director following the retirement of Acting GPO Director Jim Bradley on March 6, 2018. Bradley, previously the GPO deputy director, had assumed this role following the departure of the previous director, Davita Vance-Cooks, in November 2017. Vance-Cooks had been nominated by President Obama on May 9, 2013, to be public printer, as the head of the GPO was then known, and confirmed by the Senate by voice vote on August 1, 2013.

During this vacancy period, Robert C. Tapella was twice nominated to be director. Previously, Tapella served in this role from October 4, 2007 (confirmed by the Senate by voice vote) until December 28, 2010. He was subsequently nominated on June 18, 2018. The nomination was referred to the Committee on Rules and Administration. No further action was taken prior to the end of the 115<sup>th</sup> Congress, and the nomination was returned to the President pursuant to Senate Rule XXXI. President Trump renominated Tapella on January 16, 2019. The nomination was referred to the Committee on Rules and Administration. A message from the President withdrawing the nomination was received in the Senate on June 24, 2019.<sup>24</sup>

## **Library of Congress**

The Library of Congress was established in 1800. The *U.S. Code*, at 2 U.S.C. §136, states "The Librarian of Congress shall make rules and regulations for the government of the Library."

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<sup>21</sup> P.L. 113-235, div. H, December 16, 2014, 128 Stat. 2537, 2538. The 2014 act also deleted references to gender and bookbinding as well as changing the title of the agency and its director.

<sup>22</sup> See, for example: P.L. 90-620, October 22, 1968, 82 Stat. 1239; and previously, nomination of John D. Defrees to be Superintendent of Public Printing, *Senate Executive Journal*, March 16, 1861, p. 307, and March 20, 1861, p. 319; designation as congressional printer in ch. 61, 14 Stat. 399, February 22, 1867 and debate in *Cong. Globe*, 39<sup>th</sup> Cong., 2<sup>nd</sup> sess., vol. 37, pt. 2, February 18, 1867, pp. 499-500; return to prior process in ch. 246, 19 Stat. 105, July 31, 1876; and ch. 23, 28 Stat. 603, January 12, 1895.

<sup>23</sup> This rate was established with the FY2004 Legislative Branch Appropriations Act (P.L. 108-83, September 30, 2003, 117 Stat. 1033, 44 U.S.C. §303). Pay for the Public Printer previously was equivalent to Level III of the Executive Schedule.

<sup>24</sup> Available at <https://trumpwhitehouse.archives.gov/presidential-actions/thirteen-nominations-one-withdrawal-sent-senate/>.

Until an act of February 19, 1897,<sup>25</sup> which made the appointment subject to the advice and consent of the Senate, the Librarian was appointed solely by the President.

The tenure of the Librarian was amended in 2015 (2 U.S.C. §136-1). The Librarian of Congress Succession Modernization Act of 2015, S. 2162, was introduced in the Senate on October 7, 2015, and agreed to the same day by unanimous consent. It was agreed to in the House without objection on October 20 and signed by President Obama on November 5, 2015 (P.L. 114-86). The act establishes a term limit of 10 years, with the possibility of reappointment by the President, by and with the advice and consent of the Senate. Previously, there was no set term of office for the Librarian.

The *U.S. Code*, at 2 U.S.C. §136a-2, states “the Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at Level II of the Executive Schedule under section 5313 of title 5.”<sup>26</sup>

### **Most Recent Appointment**

Carla D. Hayden was nominated to a 10-year term as Librarian of Congress by President Obama on February 24, 2016.<sup>27</sup> The Senate Committee on Rules and Administration held a hearing on the nomination on April 20, 2016, and ordered the nomination favorably reported on June 9.<sup>28</sup> Hayden was confirmed as the 14<sup>th</sup> Librarian of Congress on July 13, 2016 (74-18, record vote number 128).

Hayden succeeded James H. Billington, who retired effective September 30, 2015. Billington had been confirmed as Librarian of Congress by the Senate on July 24, 1987.<sup>29</sup>

### **Congressional Research Service**

The Legislative Reorganization Act of 1970 provides that the Librarian of Congress appoint the director of the Congressional Research Service (CRS) “after consultation with the Joint Committee on the Library.”<sup>30</sup> Pursuant to the FY2020 Legislative Branch Appropriations Act, the compensation for the director is set “at the greater of the rate of pay in effect for level III of the Executive Schedule under section 5314 of title 5 or the maximum annual rate of basic pay payable under section 5376 of such title for positions at agencies with a performance appraisal system certified under section 5307(d) of such title.”<sup>31</sup> There is no set term of office.<sup>32</sup>

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<sup>25</sup> 29 Stat. 544. For a lengthy discussion, see also *Congressional Record*, December 19, 1896, pp. 311-319.

<sup>26</sup> From 1983 until the passage of the FY2000 Legislative Branch Appropriations Act, the Librarian was compensated at a rate equivalent to Level III of the Executive Schedule (P.L. 98-63, July 30, 1983, 97 Stat. 336, and P.L. 106-57, September 29, 1999, 113 Stat. 424, 2 U.S.C. §136a-2 and §166).

<sup>27</sup> See also <https://obamawhitehouse.archives.gov/the-press-office/2016/02/24/president-obama-announces-his-intent-nominate-carla-d-hayden-librarian>.

<sup>28</sup> U.S. Congress, Senate Committee on Rules and Administration, *Nomination of Dr. Carla D. Hayden to be Librarian of Congress*, 114<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 20, 2016, S.Hrg. 114-285 (Washington: GPO, 2016). Pursuant to the Consolidated Appropriations Act, 2016 (P.L. 114-113), Billington was designated Librarian of Congress Emeritus.

<sup>29</sup> For additional information on prior Librarians, see <http://www.loc.gov/loc/legacy/librs.html>.

<sup>30</sup> 2 U.S.C. §166.

<sup>31</sup> 2 U.S.C. §166. Most recently amended by P.L. 116-94, December 20, 2019, 133 Stat. 3208. See also 5 U.S.C. §5307 (P.L. 114-113, December 18, 2015, 129 Stat. 2674).

<sup>32</sup> 2 U.S.C. §166.

## Most Recent Appointment

Robert R. Newlen, interim director of CRS, began his service on July 3, 2023.

Previously, Mary B. Mazanec was appointed director by former Librarian James H. Billington on December 5, 2011.

## U.S. Capitol Police

2 U.S.C. §1901 states “There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.” The last sentence was inserted in 1979,<sup>33</sup> struck by the FY2003 Consolidated Appropriations Resolution,<sup>34</sup> and restored in 2010 by the U.S. Capitol Police Administrative Technical Corrections Act.<sup>35</sup>

Pay for the chief has been adjusted multiple times: (1) pursuant to a 1979 law, pay for the chief was equal to Level IV of the Executive Schedule; (2) pursuant to a 2000 law, pay was linked to the Senior Executive Service; and (3) pursuant to a 2002 law, pay was equal to \$2,500 less than House or Senate officers.<sup>36</sup> From 2003 until statutorily amended in 2019, the compensation for the chief of the Capitol Police was “equal to \$1,000 less than the lower of the annual rate of pay in effect for the Sergeant-at-Arms of the House of Representatives or the annual rate of pay in effect for the Sergeant-at-Arms and Doorkeeper of the Senate.”<sup>37</sup>

Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the chief of the Capitol Police was “\$1,000 less than the maximum rate of pay in effect under section 4575(f) of Title II” of the *U.S. Code* (e.g., maximum rate of compensation of Senate employees).<sup>38</sup>

A provision included in the House-reported FY2021 legislative branch appropriations bill, H.R. 7611, would have set pay for the chief at Level II of the Executive Schedule. This provision was not included in the FY2021 Senate Appropriations Committee majority draft bill or the FY2021 Consolidated Appropriations (P.L. 116-260).<sup>39</sup> A similar provision setting pay at Level II of the Executive Schedule was included in the House-passed FY2022 legislative branch appropriations bill, H.R. 4346, but not the Senate Appropriations Committee chairman’s draft bill. This provision was included in the FY2022 Consolidated Appropriations Act (P.L. 117-103).<sup>40</sup>

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<sup>33</sup> P.L. 96-152, December 20, 1979, 93 Stat. 1099.

<sup>34</sup> P.L. 108-7, February 20, 2003, 117 Stat. 368.

<sup>35</sup> P.L. 111-145, March 4, 2010, 124 Stat. 54, 55.

<sup>36</sup> P.L. 107-117 (January 10, 2002, 115 Stat. 2319) established the chief’s salary at a level “not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.” The FY2001 Consolidated Appropriations Act linked pay for the chief to the former level ES-4 of the Senior Executive Service (P.L. 106-554, December 21, 2000, 114 Stat. 2763, 2763A-107). The chief had previously been paid at a rate equal to the annual rate determined by the Capitol Police Board but not to exceed the basic pay payable for Level IV of the Executive Schedule (P.L. 96-152, December 20, 1979, 93 Stat. 1099). 2 U.S.C. §1902 and §1903 notes.

<sup>37</sup> P.L. 108-7, February 20, 2003, 117 Stat. 368.

<sup>38</sup> P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §1902.

<sup>39</sup> For additional information on FY2021 actions, see CRS Report R46469, *Legislative Branch: FY2021 Appropriations*, by Ida A. Brudnick.

<sup>40</sup> P.L. 117-103, March 15, 2022, 136 Stat. 526, 2 U.S.C. §1902.

## Most Recent Appointment

The Capitol Police Board announced the appointment of J. Thomas Manger as chief of the U.S. Capitol Police, effective July 23, 2021.<sup>41</sup>

Previously, Yogananda D. Pittman served as the acting chief of police/assistant chief of police for protective and intelligence operations following the January 8, 2021, resignation of Chief Steven A. Sund, who had served as chief since June 13, 2019.<sup>42</sup> Chief Sund followed Matthew R. Verderosa, who had served as chief since March 20, 2016.<sup>43</sup>

## Congressional Budget Office

The director of the Congressional Budget Office (CBO) has been appointed wholly by Congress since the creation of the post with the passage of the Congressional Budget Act in 1974. The act stipulates that the director is appointed for a four-year term “by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties.”<sup>44</sup> The director may be reappointed, and either chamber can remove the director by simple resolution.<sup>45</sup> Additionally, a director appointed “to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term” and an “individual serving as Director at the expiration of a term may continue to serve until his successor is appointed.”<sup>46</sup>

From the establishment of CBO until the enactment of the FY2000 Consolidated Appropriations Act (P.L. 106-113), the director was paid at a rate equivalent to Level III of the Executive Schedule. Subsequently, the CBO director was paid at an annual rate equivalent to the lower of the highest annual rate of compensation of any officer of the House or any officer of the Senate.

Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the CBO director was set “at an annual rate of pay that is equal to the maximum rate of pay in effect under section 4575(f) of Title II” of the *U.S. Code* (e.g., maximum rate of compensation of Senate employees).<sup>47</sup> The FY2022 Legislative Branch Appropriations Act, in turn, amended 2 U.S.C.

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<sup>41</sup> U.S. Capitol Police, “Capitol Police Board Announces Selection of USCP Chief of Police,” press release, July 22, 2021, available at <https://www.uscp.gov/media-center/press-releases/capitol-police-board-announces-selection-uscp-chief-police>. The Police Executive Research Forum “assist[ed] the Capitol Police Board with the selection process” (see Police Executive Research Forum, “Chief of Police: United States Capitol Police,” at [https://www.policeforum.org/index.php?option=com\\_content&view=article&id=952:chief-of-police—united-states-capitol-police&catid=20:site-content](https://www.policeforum.org/index.php?option=com_content&view=article&id=952:chief-of-police—united-states-capitol-police&catid=20:site-content)).

<sup>42</sup> U.S. Capitol Police, “Capitol Police Board Selects Steven Sund as Chief of United States Capitol Police,” press release, June 14, 2019, available at <https://www.uscp.gov/media-center/press-releases/capitol-police-board-selects-steven-sund-chief-united-states-police>.

<sup>43</sup> U.S. Capitol Police, “The Capitol Police Board Announces the Appointment of Assistant Chief of Police Matthew R. Verderosa as New Chief of the United States Capitol Police,” February 24, 2016, available at <https://www.uscp.gov/media-center/press-releases/capitol-police-board-announces-appointment-assistant-chief-police>.

<sup>44</sup> 2 U.S.C. §601(a).

<sup>45</sup> 2 U.S.C. §601(a)(4).

<sup>46</sup> 2 U.S.C. §601(a)(3).

<sup>47</sup> P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §601(a)(5). A provision included in the House-reported FY2021 legislative branch appropriations bill, H.R. 7611, would have set pay for the CBO Director at Level II of the Executive Schedule. This provision was not included in the FY2021 Senate Appropriations Committee majority draft bill or the FY2021 Consolidated Appropriations (P.L. 116-260). This language was not included in FY2022 legislation.

§4575(f) to establish a maximum annual amount equivalent to “the annual rate of basic pay in effect for level II of the Executive Schedule under section 5313 of title 5.”<sup>48</sup>

## Most Recent Appointment

Phillip Swagel, the current director of CBO, began his service on June 3, 2019. He was appointed to a second term in office on July 27, 2023.<sup>49</sup> He follows Keith Hall, who began his service on April 1, 2015.<sup>50</sup>

## Office of Congressional Workplace Rights

The Office of Congressional Workplace Rights (OCWR; formerly the Office of Compliance) was renamed by the Congressional Accountability Act of 1995 Reform Act.<sup>51</sup>

2 U.S.C. §1382 states that the chair of the board of directors of the Office of Congressional Workplace Rights, “subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.”<sup>52</sup> The executive director must be “an individual with training or expertise in the application of laws referred to in section 1302(a)” of Title II of the *U.S. Code*.<sup>53</sup>

The chair of the board may set the compensation of the executive director. Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the executive director “may not exceed the maximum rate of pay in effect under section 4575(f) of Title II” of the *U.S. Code* (i.e., maximum rate of compensation of Senate employees).<sup>54</sup> The FY2022 Legislative Branch Appropriations Act, in turn, amended 2 U.S.C. §4575(f) to establish a maximum annual amount equivalent to “the annual rate of basic pay in effect for level II of the Executive Schedule under section 5313 of title 5.”<sup>55</sup>

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<sup>48</sup> P.L. 117-103, March 15, 2022, 136 Stat. 527.

<sup>49</sup> See Phill Swagel, “Director’s Statement on Reappointment,” Congressional Budget Office, July 27, 2023, <https://www.cbo.gov/publication/59424>.

<sup>50</sup> For additional information, see CRS Report RL31880, *Congressional Budget Office: Appointment and Tenure of the Director and Deputy Director*, by Megan S. Lynch; <http://www.cbo.gov/about/overview>.

<sup>51</sup> P.L. 115-397, December 21, 2018.

<sup>52</sup> P.L. 104-1, January 23, 1995, 109 Stat. 26.

<sup>53</sup> P.L. 104-1, January 23, 1995, 109 Stat. 26.

<sup>54</sup> P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §1382(a)(2)(B). A provision included in the House-reported FY2021 legislative branch appropriations bill, H.R. 7611, would have set pay for the OCWR executive director at Level II of the Executive Schedule. This provision was not included in the FY2021 Senate Appropriations Committee majority draft bill or the FY2021 Consolidated Appropriations (P.L. 116-260).

<sup>55</sup> P.L. 117-103, March 15, 2022, 136 Stat. 527.

## Previously

- Pursuant to the FY2008 Consolidated Appropriations Act, the chair of the board could fix the annual rate of pay for the executive director at a rate not to exceed the lesser of House or Senate officers.<sup>56</sup>
- Pursuant to the Congressional Accountability Act of 1995, which established the office, the maximum pay for the executive director had been Level V of the Executive Schedule.<sup>57</sup>

Separate legislation, P.L. 110-164, amended the Congressional Accountability Act and altered eligibility and tenure restrictions for the executive director by allowing current or former employees of the Office to serve in this capacity. The legislation also permits the executive director, deputy executive directors,<sup>58</sup> and general counsel,<sup>59</sup> who formerly were limited to one five-year term in their positions, to serve up to two terms.<sup>60</sup>

## Most Recent Appointment

On January 14, 2024, the OCWR board of directors announced the appointment of Martin J. Crane as the OCWR executive director.<sup>61</sup>

Previously, on November 9, 2022, Patrick N. Findlay was announced as the OCWR executive director.<sup>62</sup> Prior to that, Teresa M. James served as acting executive director and deputy executive director for the House of Representatives. Her service followed that of Susan Tsui Grundmann, who was appointed to a five-year term as executive director commencing January 2017.<sup>63</sup>

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<sup>56</sup> P.L. 110-161, December 26, 2007, 121 Stat. 2237.

<sup>57</sup> P.L. 104-1, January 23, 1995, 109 Stat. 26.

<sup>58</sup> The chair of the board of directors, subject to the approval of the board, appoints a deputy executive director for the Senate and a deputy executive director for the House of Representatives. The chair may fix the compensation for the deputy executive directors at a rate not to exceed 96% of the lesser of the highest annual rate of House or Senate officers (2 U.S.C. §1382).

<sup>59</sup> The chair of the board of directors, subject to the approval of the board, also appoints a general counsel. The chair may fix the general counsel's compensation at a rate not to exceed the lesser of the highest annual rate of House or Senate officers (2 U.S.C. §1382).

<sup>60</sup> P.L. 110-164, December 26, 2007, 121 Stat. 2459. Other laws addressed the permissible number of terms of members of the board of directors (P.L. 108-349, P.L. 111-114, P.L. 114-6, and P.L. 115-19).

<sup>61</sup> See Office of Congressional Workplace Rights, "OCWR Announces the Appointment of Martin J. Crane as Executive Director," press release, January 14, 2024, <https://www.ocwr.gov/news/news-announcements/ocwr-announces-the-appointment-of-martin-j-crane-as-executive-director/>.

<sup>62</sup> See Office of Congressional Workplace Rights, "OCWR Appoints New Executive Director," November 9, 2022, <https://www.ocwr.gov/news/press-releases/press-releases-ocwr-appoints-new-executive-director/>.

<sup>63</sup> On August 4, 2021, President Biden announced his intention to nominate Susan Tsui Grundmann for member of the Federal Labor Relations Authority (see White House, "President Biden Announces 11 Key Nominations," press release, August 4, 2021, at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/04/president-biden-announces-11-key-nominations-2/>). The nomination was returned to the President at the end of the 1<sup>st</sup> session of the 117<sup>th</sup> Congress, pursuant to the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate. President Biden renominated Ms. Grundmann on January 4, 2022, and she was confirmed on May 12, 2022.

## **Congressional Office for International Leadership**

The office, formerly known as the Open World Leadership Center,<sup>64</sup> is led by an executive director who is appointed by the Librarian of Congress on behalf of the Board of Trustees. The executive director is “compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5.”<sup>65</sup>

### **Most Recent Appointment**

Librarian of Congress Carla Hayden, at the recommendation of the Board of Trustees, announced the appointment of Jane Sargus as executive director, effective January 8, 2018.<sup>66</sup>

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<sup>64</sup> The FY2022 Consolidated Appropriations Act changed the name from the Open World Leadership Center to the Congressional Office for International Leadership (P.L. 117-103, 136 Stat., 522, March 15, 2022).

<sup>65</sup> 2 U.S.C. §1151.

<sup>66</sup> See <https://www.openworld.gov/press-releases/jane-sargus-appointed-executive-director-open-world-leadership-center>.