

Appointment Methods for Legislative Branch Inspectors General

September 28, 2021

The inspector general (IG) for the Library of Congress (LOC), Kurt Hyde, [retired from his position on August 31, 2021](#). When an IG position becomes vacant, a new appointment is made pursuant to the requirements and procedures laid out in that IG's enabling statute. For most IGs, this will be the Inspector General Act of 1978 (IG Act; 5 U.S.C. Appx.). For some IGs, including the IG for the LOC and the four other statutory IGs in the legislative branch, this authority is found in other statutes.

Some IG appointments draw considerable attention in Congress, while other IG offices, particularly those with presidentially appointed IGs, may [operate for years](#) without a Senate-confirmed IG. Many IG appointments can occur without generating significant attention on either the appointee or the selection process.

This Insight provides a brief introduction to IG appointments and explains the appointment procedure for the five particular legislative branch IGs. It provides background information on the appointment rule requirements for these IGs as well as the relevant statutory provisions.

Background on the Appointment Method for Statutory Inspectors General

There are currently 75 [statutory inspectors general](#) (including the new Special Inspector General for Pandemic Recovery, which is discussed [here](#)). Of these, 65 IGs are appointed under the IG Act. The other 10 IGs have similar appointment methods and authorities but are established by other statutes.

There are two general classes of IG appointments:

- **Presidential appointment:** Thirty-eight IGs are appointed by the President, most with the advice and consent of the Senate. Of these, the 33 [establishment](#) IGs are appointed pursuant to [Section 3\(a\)](#) of the IG Act. These establishment IGs generally serve in departments and larger agencies. Section 3(a) requires the President to make nominations “without regard to political affiliation and solely on the basis of integrity and demonstrated ability.” The other five presidentially appointed IGs have similar appointment methods laid out in other statutes. Of the 38 presidentially appointed IGs,

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only the Special Inspector General for Afghanistan Reconstruction is not subject to Senate confirmation.

- **Agency appointment:** Thirty-seven IGs are appointed by the heads of the agencies or entities that they oversee. They are not subject to the Senate confirmation process. Thirty-two of these positions are the IGs for [designated federal entities](#) in the executive branch. These appointments are governed by [Section 8G\(c\)](#) of the IG Act. These entities are generally smaller executive branches agencies, boards, and commissions. The agency or entity heads selecting these IGs are also required to select officials “without regard to political affiliation and solely on the basis of integrity and demonstrated ability.” The remaining five agency appointed IGs serve in legislative branch agencies and are discussed below.

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Of the 75 statutory IGs, five were established to oversee the activities of legislative branch agencies. These five IGs appear to have authority, independence, and duties that are similar to their executive branch counterparts, although distinctions may exist. In addition, they participate in the IG community as members of the [Council of Inspector General on Integrity and Efficiency](#). However, because they are part of the legislative branch, rather than the executive branch, their authority is not rooted in the IG Act but rather in similar provisions elsewhere in the *U.S. Code*.

The House of Representatives also has an IG that was [established under the House rules](#) and performs some functions similar to other IGs. Because that position is established by rule, rather than law, and is designed differently than many other IGs, it is not addressed in this Insight.

The appointment methods for the five legislative branch agency IGs are as follows:

- The IG for **LOC** is appointed by the Librarian of Congress ([2 U.S.C. §185](#); [P.L. 109-55](#))
- The IG for the **Government Publishing Office (GPO)** is appointed by the agency’s director ([44 U.S.C. §3902](#); [P.L. 100-504](#)).
- The IG for the **Government Accountability Office (GAO)** is appointed by the comptroller general ([31 U.S.C. §705\(b\)](#); [P.L. 110-323](#)).
- The IG for the **U.S. Capitol Police** is appointed by the [Capitol Police Board](#), which is required to consult with the IGs for LOC, GPO, and GAO. The IG serves for a term of five years and may be reappointed no more than twice ([2 U.S.C. §1909\(b\)](#); [P.L. 109-55](#)).
- The IG for the **Architect of the Capitol** is appointed by the Architect of the Capitol, who is required to consult with the IGs for LOC, GPO, GAO, and the U.S. Capitol Police ([2 U.S.C. §1808\(c\)](#); [P.L. 110-161](#)).

In addition, each of these provisions includes appointment-related language directing that the IG appointments be made “without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.”

For more detailed information on the statutes governing IGs, see CRS Report R45450, *Statutory Inspectors General in the Federal Government: A Primer*, by Ben Wilhelm.

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