Congressional Research Service
Informing the legislative debate since 1914

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

Updated August 12, 2021

Congressional Research Service
https://crsreports.congress.gov
R42072

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

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), and the Office of Congressional Workplace Rights (OCWR)—are appointed in a variety of manners.

Four agencies are led by a person appointed by the President, with the advice and consent of the Senate; two are appointed by Congress; one is appointed by the Librarian of Congress; and one is appointed by a board of directors.

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.

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.

Contents

Introduction 1
Overview by Legislative Branch Agency or Entity 1
Architect of the Capitol 3
Most Recent Appointment 4
Government Accountability Office 5
Most Recent Appointment 5
Government Publishing Office 6
Most Recent Appointment 6
Library of Congress 7
Most Recent Appointment 7
Congressional Research Service 7
Most Recent Appointment 8
U.S. Capitol Police 8
Most Recent Appointment 9
Congressional Budget Office 9
Most Recent Appointment 10
Office of Congressional Workplace Rights 10
Most Recent Appointment 11

Tables

Table 1. Legislative Branch Agency and Entity Executives: Summary of Appointment Process, Tenure, and Salaries 2

Contacts

Author Information 11

Introduction

The leaders of the eight 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, and the Office of Congressional Workplace Rights—are appointed in a variety of manners.

The first four agencies are led by a person appointed by the President, with the advice and consent of the Senate. The next two are appointed by Congress, the next by the Librarian of Congress, and the last by a board of directors.

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.[1] Legislation to alter the appointment process for legislative branch agencies and entities has periodically been introduced for many years.[2] 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), salaries and benefits, and most recent appointments. Information is provided on each agency and summarized in **Table 1**.

[1] 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."

[2] For example, see H.R. 8616, S. 2206, and S. 2205 (94th Cong.); S. 1278 and H.R. 63 (93rd Cong.); and H.R. 17102 (92nd Cong.). In more recent Congresses, the Legislative Branch Officer Appointment Act of 2005 (H.R. 4446, 109th Cong.) and the Architect of the Capitol Appointment Act of 2008 (H.R. 6656, 110th Cong.) were introduced and referred to committees, although no further action was taken. In the 111th 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.

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

Agency (Top Official)	Appointment Process	Tenure	Salary (in 2021)[a]
Architect of the Capitol (Architect of the Capitol)	Advice and Consent; congressional commission recommends names to the President	10 years May be reappointed	Maximum rate of compensation paid to employees of the Senate ($173,900 in 2021)[b]
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 ($183,100 in 2021)[a]
Government Publishing Office (Director)	Advice and Consent	None specified in law	Equivalent to Level II of the Executive Schedule ($183,100 in 2021)[a]
Library of Congress (Librarian of Congress)	Advice and Consent	10 years May be reappointed	Equivalent to Level II of the Executive Schedule ($183,100 in 2021)[a]
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" ($183,300 in 2021) or "the maximum annual rate of basic pay payable ... for positions at agencies with a [certified] performance appraisal system" ($199,300 in 2021)[b]
Capitol Police (Chief)	Appointed by the Capitol Police Board	None specified in law	$1,000 less than the maximum rate of compensation paid to employees of the Senate ($172,900 in 2021)[b]
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 ($173,900 in 2021)[b]
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 (not to exceed $173,900 in 2021)[b]

Source: Congressional Research Service.

a. For information on 2021 rates for certain senior officials, see https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-4. In addition, OPM Salary Table No. 2021-EX, "Rates of Basic Pay for the Executive Schedule (EX)", Effective January 2021, includes the official 2021 EX rates, which are also the payable rates for officials not covered by the freeze. It also states: "Section 748 of division E of the Consolidated Appropriations Act, 2021, continues a freeze on the payable rates of pay for certain senior political officials through January 1, 2022. Under the pay freeze, the 2021 payable rates for freeze-covered senior political officials serving in an EX position, or in a position for which the rate of pay is fixed by statute

at an EX rate, are as follows: EX-I: $203,500; EX-II: $183,100; EX-III: $168,400; EX-IV: $158,500; and EX-V: $148,500.... " Level II is the salary for many deputy secretaries and heads of independent agencies (5 U.S.C. §5313). 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) and the Consolidated Appropriations Act, 2021 (P.L. 116-260, Division E, title VII, §748, December 27, 2020) continued this modified freeze. 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).

b. Pay for these positions was amended in the Further Consolidated Appropriations Act, 2020 (P.L. 116-94, December 20, 2019). See sections on the individual positions for additional information.

Architect of the Capitol

Pursuant to the Legislative Branch Appropriations Act, 1990,[3] the Architect is "appointed by the President by and with the advice and consent of the Senate for a term of 10 years."[4] 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.[5]

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,[6] 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.

In the 111th 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 congressional leaders and chairs and ranking Members of specific congressional committees. Under both measures, the Architect would still serve a 10-year term. Under H.R. 2843, as reported, the Architect would have been appointed jointly by the same 14-member panel, equally divided between the House and Senate, which currently is responsible for recommending candidates to the President. This bill was reported by the Committee on House Administration (H.Rept. 111-372) on December 10, 2009. The Committee on Transportation and Infrastructure was discharged from further consideration the same day. The House agreed to the bill, as amended to include an 18-member panel,[7] also equally divided between the House and Senate, by voice vote on February 3, 2010. H.R. 2843

[3] P.L. 101-163, November 21, 1989, 103 Stat. 1068, 2 U.S.C. §1801.

[4] 2 U.S.C. §1801(a)(1).

[5] P.L. 104-19, July 27, 1995, 109 Stat. 220.

[6] For example, S. 2760 (96th Cong., S.Rept. 96-818) passed the Senate on November 24, 1980, but received no further action.

[7] The bill, as amended, would have included the following in addition to the original 14-member panel: the chair and ranking minority Member of the Committee on Transportation and Infrastructure of the House of Representatives, a Member of the Senate to be designated by the majority leader of the Senate, and a Member of the Senate to be designated by the minority leader of the Senate.

was received in the Senate and referred to the Committee on Rules and Administration, although no further action was taken.

Under the earlier bill (H.R. 2185, 111th Congress), which was introduced on April 30, 2009, the Architect would have been appointed jointly by the Speaker of the House, the Senate majority leader, the minority leaders in the House and Senate, the chairs and ranking minority Members of the House and Senate Committees on Appropriations, and the chairs and ranking minority Members of the Committee on House Administration and Senate Committee on Rules and Administration. This bill followed similar legislation (H.R. 6656, 110th Congress), with the same 12-member appointing panel, introduced on July 30, 2008. Both bills were referred to two committees, but no further action was taken.[8]

Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the Architect of the Capitol is 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*, which is $173,900 in 2021.[9]

A provision included in the House-reported FY2021 legislative branch appropriations bill, H.R. 7611, would have set 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 appropriations bill, H.R. 4346.

Prior to the enactment of the FY2020 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."[10] In general, this level was equivalent to $1,500 below the salary of Members of Congress.

Most Recent Appointment

J. Brett 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.[11] Upon the retirement of Ayers on November 23, 2018, Christine Merdon, the Deputy Architect of the Capitol/Chief Operating Officer, became the

[8] For additional information, see "Table A-1. Proposals to Alter the Appointment of the Architect: 1959-Present" in the Appendix of CRS Report R41074, *Architect of the Capitol: Evolution and Implementation of the Appointment Procedure*, by Ida A. Brudnick.

[9] P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §1802.

[10] 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.

[11] 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.

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.[12] Additionally, a commission procedure established in 1980 recommends individuals to the President in the event of a vacancy.[13] 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 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.[14] 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.[15]

The salary of the Comptroller General is equal to Level II of the Executive Schedule.[16] Additionally, a law enacted in 1953 established a separate retirement system for the Comptroller General.[17]

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,[18] 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

[12] 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 more recent discussion, see H.R. 4296 and *Congressional Record*, October 21, 1998, p. S12980.

[13] P.L. 96-226, 94 Stat. 314-315, April 3, 1980; 31 U.S.C. §703(a)(2).

[14] 31 U.S.C. §703(b).

[15] 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).

[16] P.L. 97-258, September 13, 1982, 96 Stat. 889, 31 U.S.C. §703(f)(1).

[17] 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, 83rd Cong., 1st sess. (Washington: GPO, 1953), p. 1; U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany H.R. 2771, 110th Cong., 1st 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, 110th Cong., 2nd sess., April 10, 2008 (Washington: GPO, 2008), pp. 705-706.

[18] 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."

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."

The current appointment language was enacted in 2014,[19] although the use of the advice and consent procedure for this position can be traced back much further.[20] There is no set term of office for the Director. The Director's pay is equivalent to Level II of the Executive Schedule.[21]

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 become 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 115th 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

[19] 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.

[20] 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*, 39th Cong., 2nd 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.

[21] 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.

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.[22]

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."

Until an act of February 19, 1897,[23] 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."[24]

Most Recent Appointment

Carla D. Hayden was nominated to a 10-year term as Librarian of Congress by President Obama on February 24, 2016.[25] 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.[26] Hayden was confirmed as the 14th 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.[27]

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

[22] Available at https://trumpwhitehouse.archives.gov/presidential-actions/thirteen-nominations-one-withdrawal-sent-senate/.

[23] 29 Stat. 544. For a lengthy discussion, see also *Congressional Record*, December 19, 1896, pp. 311-319.

[24] 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).

[25] See also https://obamawhitehouse.archives.gov/the-press-office/2016/02/24/president-obama-announces-his-intent-nominate-carla-d-hayden-librarian.

[26] U.S. Congress, Senate Committee on Rules and Administration, *Nomination of Dr. Carla D. Hayden to be Librarian of Congress*, 114th Cong., 2nd 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.

[27] For additional information on prior Librarians, see http://www.loc.gov/loc/legacy/librs.html.

Committee on the Library."[28] 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."[29] There is no set term of office.[30]

Most Recent Appointment

Mary B. Mazanec, who served as Acting Director of CRS following the retirement of former Director Daniel P. Mulhollan on April 2, 2011, was appointed Director by the Librarian of Congress 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,[31] struck by the FY2003 Consolidated Appropriations Resolution,[32] and restored in 2010 by the U.S. Capitol Police Administrative Technical Corrections Act.[33]

Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the Chief of the Capitol Police is "$1,000 less than the maximum rate of pay in effect under section 4575(f) of this title," which would be equivalent to $172,900 in 2021.[34]

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).[35] 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.

From 2003 until the enactment of the FY2020 act, 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."[36] Prior to 2003, pay for the Chief was adjusted multiple times: (1) pursuant to a 1979 law, pay for the Chief was equal to Level IV of the

[28] 2 U.S.C. §166.

[29] 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).

[30] 2 U.S.C. §166.

[31] P.L. 96-152, December 20, 1979, 93 Stat. 1099.

[32] P.L. 108-7, February 20, 2003, 117 Stat. 368.

[33] P.L. 111-145, March 4, 2010, 124 Stat. 54, 55.

[34] P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §1902.

[35] For additional information on FY2021 actions, see CRS Report R46469, *Legislative Branch: FY2021 Appropriations*, by Ida A. Brudnick.

[36] P.L. 108-7, February 20, 2003, 117 Stat. 368.

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.[37]

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.[38]

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.[39] Chief Sund followed Matthew R. Verderosa, who had served as Chief since March 20, 2016.[40]

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."[41] The director may be reappointed, and either chamber can remove the director by simple resolution.[42] 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."[43]

[37] 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.

[38] United States 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).

[39] United States 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.

[40] United States 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.

[41] 2 U.S.C. §601(a).

[42] 2 U.S.C. §601(a)(4).

[43] 2 U.S.C. §601(a)(3).

Pursuant to the FY2020 Legislative Branch Appropriations Act, the pay for the CBO Director is set "at an annual rate of pay that is equal to the maximum rate of pay in effect under section 4575(f) of this title," which is $173,900 in 2021.[44]

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).

Prior to the change enacted in 2019, 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.[45]

Most Recent Appointment

Phillip Swagel, the current director of CBO, began his service on June 3, 2019. He follows Keith Hall, who began his service on April 1, 2015.[46]

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.[47]

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."[48] 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*.[49]

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 this title," which is $173,900 in 2021.[50]

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).

[44] P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §601(a)(5).

[45] 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.

[46] 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.

[47] P.L. 115-397, December 21, 2018.

[48] P.L. 104-1, January 23, 1995, 109 Stat. 26.

[49] P.L. 104-1, January 23, 1995, 109 Stat. 26.

[50] P.L. 116-94, December 20, 2019, 133 Stat. 2775, 2 U.S.C. §1382(a)(2)(B).

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.[51]
- 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.[52]

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, and general counsel, who formerly were limited to one five-year term in their positions, to serve up to two terms.[53]

Most Recent Appointment

Susan Tsui Grundmann was appointed to a five-year term as executive director commencing January 2017.[54] She succeeded Barbara J. Sapin, who was appointed in 2013.

Author Information

Ida A. Brudnick
Specialist on the Congress

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

[51] P.L. 110-161, December 26, 2007, 121 Stat. 2237.

[52] P.L. 104-1, January 23, 1995, 109 Stat. 26.

[53] P.L. 110-164, December 26, 2007, 121 Stat. 2459.

[54] 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/).