

other than the President.” (quoting *Edmond v. United States*, 520 U.S. 651, 658 (1997)).

Ultimately, Congress has broad discretion to decide not only *whether* to vest department heads with appointment authority, but also *how* to do so, and it has exercised that discretion in various ways over time. See *Pa. Dep’t of Pub. Welfare v. U.S. Dep’t of Health & Hum. Servs.*, 80 F.3d 796, 804-05 (3d Cir. 1996). The district court erred by focusing only on the statutes that follow one particular pattern, while failing to acknowledge the vesting-and-delegation pattern that Congress has used to grant appointment power to the heads of some of the oldest and largest departments in the Executive Branch.

* * *

The sole question this case presents is whether Congress has by law authorized the Attorney General to appoint the Special Counsel. Congress has done so in Sections 509, 510, 515, and 533, and the district court was wrong to view that straightforward question of statutory construction as implicating concerns about “structural liberty,” “structural integrity,” “democratic accountability,” or “usurpation . . . ‘by indirection.’” See, e.g., Dkt. 672 at 3, 15, 16. Congress is free to vest a department head with the power to appoint inferior officers based on its assessment of “administrative convenience.” *Edmond*, 520