

necessary—the Attorney General’s power of appointment. *See Fleming v. Mohawk Wrecking & Lumber Co.*, 331 U.S. 111, 116, 118-19 (1947).

As part of the back-and-forth between Congress and the Executive Branch, Congress sometimes exercises its prerogative under the Appointments Clause to make particular inferior officers subject to presidential appointment, with Senate advice and consent. For example, Congress has identified fourteen senior officials in the Justice Department who are currently subject to presidential appointment and Senate confirmation: the Deputy Attorney General, the Associate Attorney General, the Solicitor General, and 11 Assistant Attorneys General. *See* 28 U.S.C. §§ 504, 504a, 505, 506.¹³ But Congress knows that these presidentially-appointed-and-Senate-confirmed officials are not the only people in the Department who hold continuing positions and exercise significant authority pursuant to the laws of the United States. *See Lucia*, 585 U.S. at 245; House Committee on Oversight and Reform, *United States Government Policy and Supporting Positions* 88-99 (2020).

¹³ Many other officials in the Department, outside of Main Justice, are likewise identified by statute as subject to presidential appointment with Senate advice and consent, including the U.S. Attorneys, U.S. Marshals, and the Directors of the DOJ law enforcement agencies. *See* 28 U.S.C. §§ 541(a), 561(c), 599A(a)(2); Pub. L. No. 90-351, tit. VI, § 1101, 82 Stat. 197, 236 (1968); Reorganization Plan No. 2 of 1973, Pub. L. No. 93-245, § 5(a), 87 Stat. 1091, 1092 (1973).