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## Removal of Inspectors General: Rules, Practice, and Considerations for Congress

In 1978, Congress passed the Inspector General Act (IG Act; P.L. 95-452) with the intent to improve oversight within certain executive branch agencies. During the floor debate on the legislation, Senator Thomas Eagleton described independence as the “most important” characteristic of the inspectors general (*Congressional Record*, vol. 124, part 29, October 22, 1978, p. 30952). While this independence has been considered essential, it is also weighed against the fact that inspectors general (IGs) are part of the agencies and that their dual mission is to report to both agency leaders and Congress.

The removal procedures for IGs fall between removal without limitations and removal only for cause and have been considered an integral element of IG independence since 1978. Nonetheless, Presidents have removed IGs, creating concerns in Congress and with the public regarding the independence of IGs, which have led to both oversight of and changes to statutory removal requirements.

This In Focus provides an overview of the current removal procedure for IGs, identifies past presidential removals, and discusses potential issues for Congress.

### Removal Procedure

The removal procedure for presidentially appointed IGs is found in Title 5, Section 403(b), which reads in part

An Inspector General may be removed from office by the President. If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the substantive rationale, including detailed and case-specific reasons for any such removal or transfer to both Houses of Congress (including the appropriate congressional committees), not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.

For IGs appointed by agency heads under Title 5, Section 415, the same notice rule applies, except that the head of the agency, rather than President, appoints and removes the IG.

The 30-day notice requirement was established under the Inspector General Reform Act of 2008 (P.L. 110-409), and the requirement that notice include a “substantive rationale” was added by the Securing Inspector General Independence Act of 2022 (Title LII, Subtitle A, of P.L. 117-263).

Further, in most cases, the President must provide Congress with written notice 15 days before placing an IG on non-duty status and cannot do so at all during the 30-day notice period before removal of an IG without a specific finding that the IG poses a potential threat to employees or the interest of the government.

Additional protection for ongoing investigations is provided by a requirement that when an IG is removed or placed on non-duty status, the acting IG must report to Congress within 15 days on the office’s projects at the time the IG was removed (5 U.S.C. 405(f)).

When an IG position is vacant, the “first assistant” is the designated acting IG. The President may appoint another official working in an IG office to serve as an acting IG instead. Such a change also requires 30-day advance notice to Congress including a substantive rationale for the action.

### Removal Practice

There are several examples of Presidents removing IGs. Across these actions, Congress has objected that the removals have the potential to undermine the actual and perceived independence of IGs.

#### President Reagan’s Removal of All Inspectors General

During presidential transitions, turnover of most political appointees is the norm. New Presidents have the authority to remove IGs at the start of their Administrations and make their own nominations. However, following such action at the start of the Reagan Administration, practice has disfavored removal of IGs during presidential transitions.

One of President Ronald Reagan’s first official acts upon his inauguration on January 20, 1981, was to remove all 15 confirmed and acting IGs then working across the executive branch. This action appears to have caused bipartisan concern in Congress. On February 3, 1981, the *New York Times* quoted Representatives L. H. Fountain and Frank Horton—the chair and ranking member of the House Committee on Government Operations, respectively—as saying that the move had the potential to politicize, and thereby undermine, the position of IG (Robert Pear, “Ouster of All Inspectors General by Reagan Called Political Move,” *New York Times*, February 3, 1981, p. B14).

The controversy dissipated after President Reagan’s nominees (including many of the previously removed IGs) were well received by Congress. The Subcommittee on Intergovernmental Relations and Human Resources of the House Committee on Government Operations held a hearing on April 1, 1981, at which Chairman Fountain

stated that his concerns had been eased by the renomination of five of the former IGs. Chairman Fountain also described the impact of the removals:

This action undoubtedly had an adverse effect on the operations of the offices whose directors were abruptly removed. Much more serious damage was done, however, by the perception that Inspectors General were being viewed in the same light as political appointees, who expect to be removed with each change in administrations.

Following the actions at the beginning of the Reagan Administration, some Members of Congress have pushed new Administrations to retain IGs. Prior to 2025, IGs had remained in their positions during transitions.

### Recent Presidential Removals of Inspectors General

There are also at least four instances of a President acting to remove an IG since 2008, when the congressional notice requirement was added to the IG Act:

1. On June 11, 2009, President Barack Obama notified Congress of his intent to remove the IG of the Corporation for National Community Service, Gerald Walpin.
2. In Spring 2020, President Donald Trump notified Congress of his intent to remove the IG for the Intelligence Community, Michael Atkinson and the IG for the Department State, Steven Linick.
3. On March 29, 2024, President Joe Biden notified Congress of his intent to remove the IG of the Railroad Retirement Board, Martin Dickman.
4. On January 24, 2025, media outlets reported that the President Trump had “terminated” over a dozen confirmed and acting IGs without providing congressional notification.

In each case, some Members of Congress objected to the actions. The “substantive rationale” requirement added to the IG Act in 2022 applied to President Biden’s removal of IG Dickman. While President Biden provided more information to Congress regarding an ongoing misconduct investigation involving the IG than past notices did, Senator Chuck Grassley argued that the information provided in this notice was still inadequate. On January 25, 2025, House committee ranking members wrote a letter expressing “grave concern” about President Trump’s announced removal of IGs without notice to Congress or the public.

Replacing an acting IG is another personnel action that Congress has determined raises similar independence concerns to the removal of a confirmed IG. There are at least three examples of such actions:

1. On April 7, 2020, President Trump replaced Glenn Fine as acting Department

of Defense IG with Environmental Protection Agency IG Sean O’Donnell.

2. On May 15, 2020, President Trump replaced Mitch Behm as acting Department of Transportation IG with Howard Elliot, who also served as the director of the Pipeline and Hazardous Materials Safety Administration.
3. On May 1, 2024, President Biden notified Congress of his intent to replace the acting IG of the Department of Commerce, Roderick Anderson, with a senior official in the Department of the Interior’s IG Office, Jill Baisinger.

### Considerations for Congress

The removal of IGs has remained a topic of interest for Congress since 1978. Below are some aspects of the issue that Congress may wish to keep in mind when conducting oversight regarding the IG community.

#### Effectiveness of Removal Procedures

It is not yet clear how President Trump’s action on January 26, 2025, will ultimately be resolved. While the IG Act provides for presidential removal of IGs, it does not appear that the Administration followed the congressional notice and waiting period requirements laid out in the IG Act.

The chair of the Council of the Inspectors General for Integrity and Efficiency, Mike Ware, who is one of the “terminated” IGs, responded to the White House on January 24, 2025, stating that the council “do[es] not believe that the actions taken are legally sufficient to dismiss Presidentially Appointed, Senate Confirmed Inspectors General.”

These removal provisions are in place to ensure that, even when an IG is removed, Congress has an opportunity to assess the impact of the action on ongoing investigations. The provisions are to limit the risk that the removal power can be used to disrupt oversight activities by providing for (1) the orderly handoff of investigations and (2) reports to Congress required by the IG Act.

#### Additional Removal Protections

Congress might consider additional actions that would limit IG removal. The most frequently discussed of these options has been to allow removal of IGs only for reasons that fall within a provided definition of *good cause*. Some proposals of this type have also suggested term limits for IGs as well.

#### Constitutional Limits on Congress’s Policy Options

President Trump’s January 2025 action appears to be a direct challenge to the enforceability of Congress’s removal procedures under the IG Act. If this matter is litigated, the executive branch may seek to curtail Congress’s options to control even procedural requirements for removals. A judicial decision limiting Congress’s authority to impose such rules could substantially impact fundamental oversight of agency programs, spending, and staff.

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