

September 21, 2026

The Honorable Rand Paul
Chairman, Homeland Security and
Governmental Affairs Committee
U.S. Senate

The Honorable James Comer
Chairman, Committee on Oversight and
Governmental Reform
U.S. House of Representatives

The Honorable Gary Peters
Ranking Member, Homeland Security and
Governmental Affairs Committee
U.S. Senate

The Honorable Robert Garcia
Ranking Member, Committee on Oversight and
Governmental Reform
U.S. House of Representatives

Dear Chairman Paul, Ranking Member Peters, Chairman Comer, and Ranking Member Garcia:

We write regarding an important institutional question for Congress: how the Comptroller General, the head of Congress's principal independent oversight and accountability agency, should be selected.

GAO is an agency of the legislative branch, created to support Congress in carrying out its constitutional responsibilities. Yet, the Comptroller General is selected through an unusual hybrid process. Since 1980, a bipartisan, bicameral commission of congressional leaders has identified candidates for the office, while the President retains the power to nominate and the Senate the power to confirm.¹

Congress has increasingly revisited that model for the institutions that serve the legislative branch. In 2023, Congress removed the President from the appointment of the Architect of the Capitol and vested the appointment in a bipartisan, bicameral congressional commission.² This Congress, the Committee on House Administration reported legislation establishing congressional appointment processes for the Librarian of Congress and the Director of the Government Publishing Office; the legislation passed the House by voice vote. The House Appropriations Committee separately added, by voice vote, comparable appointment provisions to the FY2027 Legislative Branch appropriations bill.³

The question of congressional appointment of the Comptroller General has a long bipartisan pedigree. Beginning in 1972, Representative Jack Brooks (D-TX) and Senator Lee Metcalf

¹ 31 U.S.C. § 703(a).

² Congress changed the Architect of the Capitol appointment process in 2023 to provide for appointment by majority vote of a bipartisan congressional commission. Other recent notable examples: Congress created a ten-year term for the Director of the Government Publishing Office of 2022 and limited the appointment of the Librarian of Congress to ten-year renewable terms in 2015.

³ [H.R. 6028](#), the Legislative Branch Agencies Clarification Act, was ordered reported by the Committee on House Administration on May 14, 2026, by an 11-0 vote and passed the House by voice vote on June 8, 2026. The House Appropriations Committee separately reported [H.R. 9010](#), the FY2027 Legislative Branch Appropriations Act.

(D-MT) introduced a series of measures providing for congressional appointment of the Comptroller General and other legislative branch officers. The White House opposed those proposals on the basis that congressional appointment would prevent GAO from continuing to perform the residual “executive” functions it then exercised. Those concerns helped produce the 1980 compromise law that retained presidential appointment (subject to Senate confirmation) while establishing a bipartisan, bicameral congressional commission to recommend candidates. The premise underlying that compromise was subsequently overtaken by the Supreme Court’s decision in *Bowsher v. Synar*, which held that the Comptroller General is an officer of the Legislative Branch subject to congressional control and therefore “may not be entrusted with executive powers.”⁴

In 1998, House Government Reform and Oversight Chairman Dan Burton (R-IN) renewed appointment reform efforts, introducing legislation that would have converted the existing bipartisan, bicameral selection commission into the appointing authority for the Comptroller General. His introductory statement cited the *Bowsher* decision as having laid the White House’s concerns to rest.⁵ In 2005, Representative Ray LaHood (R-IL), joined by House Administration Chairman Bob Ney (R-OH) and Appropriations Chairman Jerry Lewis (R-CA), introduced legislation that would have placed the appointment of the Comptroller General, as well as the Architect and Librarian, in the hands of bipartisan congressional leadership. Most recently, Representative Ed Case (D-HI) introduced legislation that would provide for congressional appointment of the Comptroller General, Librarian, and GPO Director.⁶

The history of the current process also demonstrates a durable expectation that a Comptroller General should command confidence on both sides of the aisle. In 1998, President Clinton nominated David Walker as Comptroller General after his name appeared on lists of candidates generated separately by Republican and Democratic commission members. In 2010, President Obama nominated Gene Dodaro, whose name appeared on lists generated separately by Democrats and Republicans. At the time, Republican commission members emphasized the importance of a “consensus list of qualified candidates with broad bipartisan, bicameral support” and wrote that GAO’s credibility depended upon impartiality and the “trust and confidence of

⁴ 478 U.S. 714 (1986), <https://supreme.justia.com/cases/federal/us/478/714/>

⁵ Statement of Rep. Dan Burton, 144 Cong. Rec. E1377–78 (daily ed. July 22, 1998), <https://www.congress.gov/crc/1998/07/22/CREC-1998-07-22-extensions.pdf>. “When the General Accounting Office was created in 1921, the Comptroller General was made a Presidential appointee. This was because GAO’s original functions were almost entirely ‘executive’ in nature and, therefore, had to be vested in an ‘officer of the United States’ appointed by the President. However, GAO’s functions have completely changed since 1921. Over the years, its preeminent role as a Legislative branch agency providing direct support to Congress emerged. At the same time, its ‘executive’ functions virtually disappeared. Indeed, the Supreme Court’s 1986 decision in *Bowsher v. Synar*, 478 U.S. 714, held that GAO cannot perform ‘executive’ functions.” See his statement for a useful history of appointments and Q&A on his proposal.

⁶ Earlier proposals included H.R. 8616 and S. 2206 in 1975. H.R. 4296, introduced July 22, 1998, by Chairman Dan Burton with Representatives Stephen Horn and Pete Sessions, would have changed the existing congressional commission from a recommending body into the appointing authority for the Comptroller General and Deputy Comptroller General. (Congressional Record, July 22, 1998, E1377) [H.R. 4446](#), introduced December 6, 2005, by Representative Ray LaHood with Representatives Bob Ney and Jerry Lewis, proposed congressional appointment of the Comptroller General and other legislative branch officers. [H.R. 6517](#), introduced December 9, 2025, by Representative Ed Case with Representatives Eleanor Holmes Norton and Paul Tonko, would modify the appointment process for the Comptroller General, Librarian of Congress, and Director of the Government Publishing Office.

Members of Congress, not merely those in the current majority party."⁷ The last two confirmed Comptrollers General therefore were both selected from among candidates affirmatively supported by commission members of both parties.

The present vacancy provides an opportunity for Congress to consider the appointment structure as an institutional matter. Gene Dodaro's term ended on December 29, 2025. GAO is now led by Acting Comptroller General Orice Williams Brown, previously the agency's Chief Operating Officer, who by law exercises all the functions and duties of the Comptroller General until a successor is confirmed.

The GAO is being run by experienced leaders who exercise full authority and planned for the current circumstances, affording Congress the time to get this right. Acting Comptrollers General have shepherded the agency over multi-year periods and have done so ably. The office operated under an Acting Comptroller General for more than two years before David Walker took office in 1998 and again for more than two years before Gene Dodaro was confirmed in 2010.⁸

The timing is auspicious to make these changes. The 119th Congress is in its final months and legislation changing the appointment of other legislative branch agency heads is already moving through Congress.

We urge Congress to resolve the institutional framework for selecting the next Comptroller General before the next appointment is made. Congress, and Congress alone, should choose its agency heads.

Changing the legal authority need not require reinventing the selection process: the same bipartisan, bicameral membership Congress already established for the Comptroller General selection commission could continue to perform that role under a different statutory framework.

For more than a quarter century, Members of both parties have returned to the same underlying questions: who should choose the leader of Congress's watchdog, how best to insulate that office from partisan influence, and how to ensure that a Comptroller General serving a fifteen-year term begins with the confidence of both chambers and both parties. Recent congressional action concerning the Architect, Librarian, and GPO Director places those questions in a broader institutional context.

We hope the Committees will consider that history and the precedents Congress itself has established as they examine the future of the Comptroller General appointment process. Whatever structure Congress chooses, preserving GAO's independence, impartiality, professionalism, and credibility across party lines is essential to its ability to serve Congress and hold the federal government accountable. It is time to change the process by which the Comptroller General is chosen so the next person to serve in that office is chosen solely by Congress.

⁷ Letter of Senate Republican Leader Mitch McConnell, House Republican Leader John Boehner, HSGAC Ranking Member Susan Collins, and House Oversight Ranking Member Darrell Issa to President Barack Obama, March 25, 2010. <https://www.hsgac.senate.gov/media/refs/republicans-send-administration-recommendations-for-post-of-comptroller-general/>.

⁸ U.S. Government Accountability Office, Acting U.S. Comptroller General, <https://www.gao.gov/about/comptroller-general>.

Sincerely yours,

American Governance Institute
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Americans for Prosperity
Citizens for Responsibility and Ethics in Washington (CREW)
Demand Progress
Fix Our House
Fix the Court
Free Government Information (FGI)
Government Information Watch
GovTrack.us
Inclusive America
Kel McClanahan, National Security Counselors
Kevin R. Kosar
Levin Center for Oversight and Democracy
Lorelei Kelly, Principal, Public Good Group
Norman Ornstein, retired scholar, The American Enterprise Institute
Partnership for Public Service
Project On Government Oversight
Protect Democracy United
Public Citizen
R Street Institute
Rev. Glynden Bode
Taxpayers for Common Sense

cc: The Honorable John Thune
The Honorable Chuck Schumer
The Honorable Chuck Grassley
The Honorable Mike Johnson
The Honorable Hakeem Jeffries
The Honorable Steve Scalise