November 16, 2026

The Honorable Rand Paul
Chairman, Homeland Security and Governmental Affairs Committee
United States Senate

The Honorable Gary Peters
Ranking Member, Homeland Security and Governmental Affairs Committee
United States Senate

Dear Chairman Paul and Ranking Member Peters:

I am writing to express my grave concerns that the Homeland Security and Governmental Affairs Committee's current effort to advance the nomination of the next Comptroller General is deeply flawed and would undermine the Government Accountability Office's ability to function as Congress's non-partisan watchdog. I urge you to reconsider this headlong rush to confirm a nominee who lacks bipartisan support from the statutory congressional commission and has not undergone the statutorily required process. Instead, the statutory commission should begin the process of soliciting candidates who can garner broad bipartisan support. My perspectives arise from my longtime service as an attorney at GAO as well as a former counsel to this Committee and the House oversight committee.

I worked for 30 years as an attorney at GAO, retiring as a Senior Associate General Counsel. One of my assignments there was to work with the Senate and House committees to develop the 1980 legislation (P.L. 96-226) that enacted the current Comptroller General appointment process. After my retirement from GAO, I served as a counsel on this Committee under then Chairman Fred Thompson, and I was later counsel to a subcommittee of the House Oversight and Government Reform Committee under then Chairman Steve Horn.

Both as a GAO employee and later as a frequent consumer of GAO's work when on the Hill, I always appreciated and respected the agency's core values of independence, objectivity, and nonpartisanship that provide the foundation for all its work. I can assure you that these values are fully embraced by the agency staff. These attributes are central to GAO's credibility and, hence, its usefulness to Congress as well as the public. In fact, GAO is the only wholly independent and nonpartisan source of oversight within the federal government. If GAO were to lose its reputation for embodying these qualities, its work would be of little value to its congressional clients or to anyone else.

The process for selecting the Comptroller General that Congress enacted in 1980 had two key goals: (1) to enhance congressional input and (2) to ensure that the individual selected would have the broad-based, bipartisan support essential to maintaining GAO's credibility and core values. The first goal involved a challenging and controversial balancing of congressional interests versus presidential prerogatives in an effort to maintain the Comptroller General's ability to perform so-called "executive" functions, which were still an important part of GAO's mission at that time.[1]

The second goal—ensuring broad bipartisan support for the Comptroller General selection—was straightforward and non-controversial. The bicameral, bipartisan congressional commission that the law devised was readily agreed to by all parties involved in negotiations over the legislation. While somewhat bumpy at times, the commission process has ultimately been successful each time it was used. Commission members of both parties have taken the process seriously and worked in good faith to arrive at consensus recommendations. All three Comptrollers General appointed under it received thorough review and vetting by the commission. The president nominated all three from names recommended by both the commission's Republican and Democratic members. All three enjoyed broad bipartisan support, were easily confirmed, and served honorably while upholding GAO's core values.

What is happening now, as I understand it, violates both the letter and the spirit of the law and is fundamentally at odds with the deliberative, bipartisan process it requires. The congressional commission has never been convened this time around to request, review, and recommend prospective nominees for the role of Comptroller General. Historically, this process has taken many months to complete, with the eventual nominee having the support of both Republican and Democratic members of the commission. Instead, this appears to be a partisan, ad hoc, and extremely rushed process designed to force through an appointment during the lame duck session. The law has been turned on its head with the president apparently specifying his choice for the commission to endorse rather than the other way around.

These perversions of the statutory process clearly reveal the real objective underlying the exercise: to convert the Comptroller General into *an agent of the administration* rather than an agent of Congress in order to stymie rather than ensure rigorous, objective oversight of the executive branch. I urge you to reconsider. Any Comptroller General who emerges from such a partisan, fractured, and legally dubious process will obviously lack broad-based credibility and thereby greatly diminish GAO and its

[1] This effort proved unavailing when the Supreme Court ruled in 1986 that the Comptroller General and GAO were purely legislative branch entities notwithstanding the presidential appointment and were thereby constitutionally precluded from performing executive functions. This decision eliminated any reason for the Comptroller General to remain a presidential appointee.

usefulness to you as your watchdog agency. It's hard to imagine anything more shortsighted and inimical to Congress's interests as an institution.

Obviously, the political calculus will change with the new Congress but the importance of appointing a Comptroller General with broad bipartisan credibility will not. A Democratic majority on the commission should, of course, be just as scrupulous in adhering to the process envisioned by the law to arrive at recommended candidates broadly supported by members of both parties.

Finally, it would make sense for Congress to take over the appointment of the Comptroller General from the president entirely, as it has done or is doing for the heads of all other legislative branch agencies. If the law is changed, the bicameral, bipartisan commission should be retained to make the appointment.

While long retired, I remain a firm believer in the importance of a strong nonpartisan GAO that serves Congress and the public as well as it did during my days there and on the Hill and still does today. Please reconsider your actions and work to preserve GAO, not destroy it.

Respectfully,



Henry R. Wray