

However, the Supreme Court subsequently held in *Bowsher v. Synar*, 478 U.S. 714 (1986), that the Comptroller General could not constitutionally perform "executive" functions notwithstanding his appointment by the President. The Court reasoned that the statutory provisions governing removal of the Comptroller General, which vest removal authority in Congress instead of the President, prevented the Comptroller from being an "officer of the United States" and thereby performing "executive" functions regardless of how he was appointed. Thus, the Comptroller General's status as a Presidential appointee has no legal significance today.

Q. Why change the Comptroller General appointment process now?

A. There are three main reasons to change the appointment process:

(1) The only reason for making the Comptroller General a Presidential appointee in the first place and the only reason Congress has retained the Presidential appointment thus far—to preserve GAO's ability to perform "executive" functions—was eliminated by the Supreme Court's decision in *Bowsher v. Synar*. Following this decision, Congress enacted legislation repealing, modifying, or transferring to the Executive branch virtually all of GAO's remaining "executive" functions. Now is the first opportunity Congress has to complete the task by changing the appointment process.

(2) Given GAO's role as Congress' "watchdog" agency over the Executive branch, it makes no sense for the President to appoint the Comptroller General and it is only natural to shift this responsibility to Congress. On a daily basis, GAO provides information and advice to Congress covering the full range of legislative and oversight issues that Congress faces. Given Congress' reliance on GAO and its close working relationship with GAO, Congress should appoint the head of this agency. Having the President continue to appoint the Comptroller General makes as much sense as it would for Congress to appoint the Director of OMB. It is particularly incongruous for the President to appoint the head of an agency whose exclusive mission is supporting Congressional oversight of the branch of government that the President heads.

(3) The current appointment process is broken and needs repair. Following expiration of former Comptroller General Charles Bowsher's term on September 30, 1996, the Congressional commission was established as provided by law. Working on a bipartisan basis, the commission developed, screened, and interviewed a number of candidates for Comptroller General. By majority vote and in accordance with the current law, the commission recommended 3 names to the President. However, the President rejected the commission's recommendations out of hand and with no stated reasons. As a result, the appointment process appears to be stalemated with no end in sight and GAO has been without permanent leadership for well over 1½ years. Further, the current process has never led to the appointment of a Deputy Comptroller General. Due to a series of impasses involving different Congresses and Presidents spanning many years, Mr. Bowsher remained without a Deputy for his entire 15-year term of office.

Q. Will making the Comptroller General a Congressional appointee detract from GAO's independence and non-partisanship?

A. No. GAO's independence and non-partisanship are, of course, essential to maintaining the agency's credibility and, hence, its usefulness to the Congress. It would be foolish and self-defeating for Congress to do anything to undercut these attributes. There is no reason to think that eliminating the Presidential appointment would have this ef-

fect. The current commission process ensures bipartisan participation in the appointment. The Comptroller's fixed term of office, combined with the severe statutory limits on removal of the Comptroller, provide more than adequate assurance of independence.

Q. Will making the Comptroller General a Congressional appointee politicize the appointment process?

A. No. Congress has a strong institutional interest in making the Comptroller General a Congressional appointee that should transcend politics. In fact, the leading proponents of Congressional appointment of the Comptroller General have been prominent Democratic Members of Congress.

In 1975, Senator Lee Metcalf, then a senior member of the Senate Governmental Affairs Committee and Vice Chairman of the Joint Committee on Congressional Operations, introduced legislation to provide for Congressional appointment of the Comptroller General as well as other Legislative branch officials. Senator Metcalf described his legislation as "a congressional declaration of administrative independence from the White House" and noted that "there are compelling reasons from an institutional perspective why we should take a hard look at the manner in which [these officials] are appointed." He concluded that "the time has come to provide for their appointment by and for the Congress of which they are a part."

Congressman Jack Brooks, then Chairman of the Government Operations Committee, introduced similar legislation on the House side. Chairman Brooks also stressed the importance of his bill from an institutional perspective, noting that the bill "would go a long way toward restoring to Congress some of the power and prestige that have slipped away to the executive branch over the years." He added: "... The doctrine of separation of powers is basic to our system of government and Congress contributes to the weakening of that system when it permits the President to exercise authority in the legislative domain."

When both GAO and the Justice Department resisted direct Congressional appointment of the Comptroller General based on the then-existing concerns about GAO's ability to retain "executive" functions, Chairman Brooks sought to require the President to appoint a Comptroller General from names recommended by the Congressional commission. GAO supported this approach, but Justice objected that even this limitation on the President's appointment authority would be unconstitutional. Chairman Brooks finally had to settle for the current process, whereby a Congressional commission submits nonbinding recommendations to the President but the President remains free to nominate whomever he wishes.

Q. Since some other Congressional officials are appointed by the President, why not the Comptroller General?

A. The Librarian of Congress probably needs to be a Presidential appointee since the Library performs "executive" functions under the copyright laws. Similarly, the Public Printer performs functions that could be considered "executive" in nature. One could question the current status of the Architect of the Capitol. In any event, however, the Architect's functions are not at all analogous to those of the Comptroller General and GAO. The Congressional agency that is most analogous to GAO is the Congressional Budget Office, whose head is appointed by Congress.

IN RECOGNITION OF THE GSS FAMILY THRIFT STORE

HON. LOIS CAPP

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1998

Mrs. CAPP. Mr. Speaker, I rise to bring to the attention of my colleagues the remarkable work of Curtis Foreman, John Carnell, and the GSS Family Thrift Store. Since it opened in October of 1989, the thrift store has raised three-quarters of a million dollars to help support a local homeless shelter in Santa Maria, California.

All of the merchandise in the store is available to residents of the shelter. Free clothes, furniture, and household goods are made accessible to those who do not have these essential items. In addition, shelter residents are employed at GSS Family Thrift Store when possible. There are currently three shelter residents employed as full-time workers.

I ask my colleagues to join with me, the county of Santa Barbara, and the city of Santa Maria in commending the work of Mr. Foreman and Mr. Carnell. The GSS Family Thrift Store is truly a model for this community and the entire nation. I commend the noble work of this unique establishment.

AIDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 22, 1998 into the CONGRESSIONAL RECORD.

AIDS IN AMERICA

Recent legal and medical developments concerning the Acquired Immune Deficiency Syndrome (AIDS) have renewed interest in the disease around the world. Since the discovery of the disease in 1981, much has changed. Here are some frequently asked questions regarding AIDS:

What is AIDS? AIDS is a fatal disease that attacks the immune system, destroying the body's ability to fight off infections and cancers. The disease is believed to be caused by a virus called human immunodeficiency virus (HIV) which is spread through bodily fluids. AIDS is the syndrome that develops after someone is infected with HIV and the immune system is unable to fight off common infections. After initial infection with HIV, it takes an average of eight to ten years for the virus to develop into full-blown AIDS. The life expectancy of AIDS victims varies in accordance with availability of various drug therapies, but typically ranges from one to four years. No cure currently exists for HIV/AIDS.

What is the extent of the problem? HIV/AIDS is one of the greatest threats to public health in America, especially among youth. AIDS is currently the second leading cause of death among Americans between the ages of 25 and 44. The greatest threat can be seen in the rising HIV infection rates among minorities, women, and teenagers.

Nearly 370,000 Americans have died from AIDS-related illnesses. An estimated 650,000 to 900,000 Americans have been infected with HIV since 1981. Approximately 5,200 cases of AIDS have been reported in Indiana since