



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

December 18, 2025

Chief Quality Officer
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Request for identifiable records

Dear Chief Quality Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to U.S. Government Accountability Office’s (“GAO”) disclosure policy.

Specifically, CREW requests GAO’s order of succession for the position of Comptroller General or, if no such order exists, all records showing the officials, by position, who shall act as and perform the functions and duties of the Comptroller General in the event that the office holder has died, resigned, or otherwise become unable to perform the functions and duties of the office.¹

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material.

If it is your position that any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents. *Cf. Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973) (requiring the government to “justify in much less conclusory terms its assertion of [the Freedom of Information Act (“FOIA”)] exemption and to index the information”); *see also* 4 C.F.R. § 81.1(a) (“GAO’s disclosure policy follows the spirit of [FOIA] consistent with its duties and functions and responsibility to the Congress”). If some portions of the requested records are exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 4 C.F.R. § 81.6. If it is your position that a document contains non-exempt segments, but that those

¹ *See, e.g.*, Executive Branch Responsibilities with Respect to Orders of Succession, 73 Fed. Reg. 53353 (Sept. 11, 2008) (requiring orders of succession for executive branch agencies). Although the Order of Succession Executive Order does not apply to GAO, it is likely that GAO, which has recognized that “governments at all levels have a responsibility to develop continuity plans that identify . . . succession and delegation of authority,” also maintains records on its order of succession. GAO, *Defense Civil Support: DOD, HHS, and DHS Should Use Existing Coordination Mechanisms to Improve Their Pandemic Preparedness*, GAO-17-150, at 21 (Feb. 2017), <https://www.gao.gov/assets/gao-17-150.pdf>. This request does not include any order, rule, memorandum, or other document delegating or partially delegating the authority of an office. *Id.*

non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *Cf. Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977) (explaining that an agency claiming a FOIA exemption should provide a statement of reasons and a description of “what proportion of the information in a document is non-exempt and how that material is dispersed throughout the document”).

Fee Waiver Request

In accordance with GAO’s disclosure policy, CREW requests a waiver of fees associated with processing this request for records. 4 C.F.R. § 81.7(e). The disclosure of records is in the public interest, is likely to contribute significantly to public understanding of the operations or activities of the government, and is not primarily in CREW’s commercial interest. *Id.*

First, the disclosure of GAO’s order of succession is in the public interest. GAO—an independent agency that has served as the congressional watchdog for more than a century²—is widely respected for the objective, fact-based investigations it conducts in response to requests from Congress, the resulting improvements to federal government performance and accountability, and the substantial return on investment for GAO’s work.³ The key to GAO’s success, and one of the many reasons members of Congress in both the majority and minority have come to rely so heavily on GAO’s expertise,⁴ is the independent and nonpartisan nature of GAO’s audits and investigations.⁵

Because GAO’s work includes evaluating the performance of executive branch agencies, absent adequate guardrails GAO could be particularly susceptible to outside pressure from a president who disagrees with or disapproves of GAO’s fact-based findings. GAO has described myriad safeguards it implements to protect against potential bias and partisanship, including: layers of checks on auditors, teams, and GAO itself, such as biweekly attestations of independence; development and implementation of government auditing

² 31 U.S.C. § 702(b); *About*, GAO (last visited Dec. 16, 2025), <https://www.gao.gov/about>.

³ *Fiscal Year 2026 Budget Request*, GAO-25-108440, at 2 (Apr. 29, 2025), <https://www.gao.gov/assets/gao-25-108440.pdf>; see *About*, *supra* note 2; S. Res. 282, 117th Cong. (2021) (“[T]he GAO is known around the world as a leader and source of objective, nonpartisan information on government operations through its work examining cost, effectiveness, and other factors related to the success of Federal programs.”).

⁴ See, e.g., *From High-Risk to High Reward: Implementing GAO’s Recommendations for a More Accountable Government*, Senate Comm. on Homeland Security & Governmental Affairs, Subcomm. on Border Management, Federal Workforce and Regulatory Affairs, at 1:17:35 (Dec. 16, 2025), <https://www.hsgac.senate.gov/subcommittees/bmfwr/committees/hearings/from-high-risk-to-high-reward-implementing-gao-recommendations-for-a-more-accountable-government/> (Sen. Lankford’s statement that “[w]e are very very very grateful for [GAO’s] continued nonpartisan work”); *Comer: DOGE Targets Billions in Government Waste Identified by GAO*, House Comm. on Oversight (Feb. 25, 2025) (referring to GAO’s “excellent work to expose waste, fraud, and abuse in the federal government and provide recommendations to prevent it”).

⁵ *GAO is Nonpartisan. Here’s How We Do It.*, GAO (Aug. 28, 2025), <https://www.gao.gov/blog/gao-nonpartisan-heres-how-we-do-it>.

standards; subject matter expert review of reports; and external peer reviews.⁶ But GAO also requires a leader that embodies and consistently conveys GAO's nonpartisan message.⁷

The Comptroller General is appointed by the president, and confirmed by the Senate, for a 15-year term.⁸ For a position of such importance, the process of researching, recommending, nominating, and confirming a Comptroller General has proven time-consuming. Indeed, during the two most recent vacancies, the acting Comptroller General served in the position for at least two years before the new Comptroller General was sworn in.⁹

Now, following more than 50 years of service at GAO, Comptroller General Gene Dodaro will retire on December 29, 2025.¹⁰ Federal law requires Dodaro to designate an individual to serve as acting Comptroller General while the position is vacant,¹¹ and media outlets have reported that Dodaro has identified Chief Operating Officer Orice Williams Brown to assume the role.¹² Dodaro has reported that Brown, a civil servant who has worked at GAO for more than 30 years and has several years of experience overseeing GAO's day-to-day operations, has an "unwavering commitment to public service."¹³ Brown is expected to continue the agency's nonpartisan work following Dodaro's departure,¹⁴ but given the gravity of this position, widespread interest in the upcoming vacancy, the prudence of ensuring that an agency can effectively function "under all conditions," and the historical precedent of multiple-year vacancies in the office, the public nonetheless has a strong interest in understanding what order of succession will apply if another vacancy

⁶ *Id.*

⁷ Sean Michael Newhouse, *Exit interview: GAO's Gene Dodaro talks impoundments, tenure and retirement priorities*, Gov. Exec. (Dec. 12, 2025), <https://www.govexec.com/oversight/2025/12/exit-interview-gaos-gene-dodaro-talks-impoundments-tenure-and-retirement-priorities/410114/> (explaining that the Comptroller General must "operate in a nonpartisan, independent manner").

⁸ 31 U.S.C. §§ 703(a)(1), (b).

⁹ Frederick M. Kaiser, *GAO: Government Accountability Office and General Accounting Office*, at 17, CRS (Sept. 10, 2008), https://www.everycrsreport.com/files/20080910_RL30349_4ca46f580380ac76857b3e32e4be3937b331909a.pdf; Daniel Newshouser and David M. Drucker, *GAO's Dodaro Confirmed in Deal Clearing Slate of Nominees*, Roll Call (Dec. 22, 2010), <https://rollcall.com/2010/12/22/gaos-dodaro-confirmed-in-deal-clearing-slate-of-nominees/>.

¹⁰ See *Exit Interview*, *supra* note 7; <https://www.gao.gov/about/comptroller-general>, <https://perma.cc/47LA-7RBJ> (last visited Dec. 16, 2025).

¹¹ If a Deputy Comptroller General had been appointed by the president and confirmed by the Senate, that individual would serve as the acting Comptroller General. 31 U.S.C. § 703(c)(2); see Paul M. Krawzak, *GAO chief's pending exit tees up battle for a successor*, Roll Call (Dec. 10, 2025), <https://rollcall.com/2025/12/10/gao-chiefs-pending-exit-tees-up-battle-for-a-successor/> ("[T]here's been no deputy confirmed by the Senate since the Nixon administration.")

¹² Jennifer Scholtes, *The federal government's next top watchdog is queued up*, Politico (Dec. 10, 2025), <https://www.politico.com/live-updates/2025/12/10/congress/the-federal-governments-next-top-watdog-is-queued-up-00685439>; see *GAO chief's pending exit tees up battle for a successor*, *supra* note 11.

¹³ *GAO chief's pending exit tees up battle for a successor*, *supra* note 11.

¹⁴ *The federal government's next top watchdog is queued up*, *supra* note 12; *GAO chief's pending exit tees up battle for a successor*, *supra* note 11.

occurs before the president appoints and the Senate confirms another Comptroller General.¹⁵

Disclosure of GAO's order of succession also is likely to contribute significantly to public understanding of the operations or activities of the government, namely, how GAO effectively fulfills its nonpartisan mission in the event of a planned or unplanned vacancy in the office of the Comptroller General.

The position of Comptroller General is "independent by design."¹⁶ When Congress established GAO in the Budget and Accounting Act of 1921, it provided that the Comptroller General would serve one 15-year term.¹⁷ Both this term length and the limitation on reappointment remain in place,¹⁸ and, now—because a presidential term lasts only four years and the 22nd Amendment prohibits an individual from being elected as president more than twice¹⁹—a Comptroller General's service necessarily spans multiple administrations, reducing any risk that a Comptroller General would face or be influenced by political pressure from a president.

Moreover, Congress retains advisory, confirmation, and removal authority over the Comptroller General. When the position is vacant, the law requires the establishment of a bicameral, bipartisan congressional commission to recommend to the president at least three individuals for appointment, giving members in the majority and minority in both chambers the opportunity to consider and recommend individuals they believe to be well-suited for this instrumental role.²⁰ Once the president selects a nominee from this list,²¹ it is again incumbent on Congress—this time the Senate alone—to thoroughly consider the individual's background and qualifications in determining whether to confirm them for the position.²² And once a nominee is confirmed as Comptroller General, Congress retains

¹⁵ See Executive Branch Responsibilities, *supra* note 1; *Exit Interview*, *supra* note 7; *GAO chief's pending exit tees up battle for a successor*, *supra* note 11; *The federal government's next top watchdog is queued up*, *supra* note 12; Steven L. Katz, *Congress must become a champion guard dog to defend its watchdog*, Roll Call (Dec. 8, 2025), <https://rollcall.com/2025/12/08/congress-must-become-a-champion-guard-dog-to-defend-its-watchdog/>; David Walker, *Choosing the next comptroller general is too important – don't play politics*, The Hill (June 4, 2025), <https://thehill.com/opinion/congress-blog/5330724-choosing-the-next-comptroller-general-is-too-important-for-playing-politics/>.

¹⁶ See *GAO is Nonpartisan*, *supra* note 5.

¹⁷ Budget and Accounting Act of 1921, Pub. L. No. 67-13, 42 Stat. 20, 23–24 (1921).

¹⁸ 31 U.S.C. § 703(b).

¹⁹ U.S. Const. art. II, § 1, cl. 1; *id.* amend. XXII.

²⁰ 31 U.S.C. § 703(a)(2); Emily Yehle, *Search for GAO Chief Stuck in Neutral*, Roll Call (Sept. 11, 2009) <https://www.rollcall.com/2009/09/11/search-for-gao-chief-stuck-in-neutral/> (referring to the extensive process undertaken by the commission, including research and interviews).

²¹ *Selecting the Next Comptroller General: A Guide to the Statutory Process*, NTU (Dec. 11, 2025), <https://www.ntu.org/publications/detail/selecting-the-next-comptroller-general-a-guide-to-the-statutory-process> (explaining that "[a]ll three Presidents who have nominated a new Comptroller General under this statutory framework (Reagan, Clinton, and Obama) adhered to this process" of selecting an individual from the list provided by the commission).

²² 31 U.S.C. § 703(a)(1).

ultimate removal authority through either impeachment or passage of a joint resolution for cause.²³

Placing these important structural duties with the Congress, rather than the president, ensures that GAO can perform its investigative functions without fear of reprisal.²⁴ With regard to the acting Comptroller General, Congress likewise gave the president no authority; rather, Congress requires that the Comptroller General alone designate who will serve in the acting role.²⁵ This is a significant responsibility for a Comptroller General nearing the end of their term—as with Dodaro’s designation of Brown—in particular because the statute does not state how long an acting Comptroller General may serve.²⁶ Given that the previous vacancies have lasted for more than two years, it is important for the public to understand, if at some point Brown is no longer able to serve, who the Comptroller General has designated to ensure that GAO continues to operate in a nonpartisan manner pending appointment of a permanent Comptroller General. The executive branch regularly publishes orders of succession, and the public has an interest in the same level of transparency from the entity responsible for investigating those agencies.²⁷

Lastly, the disclosure of records is not primarily in CREW’s commercial interest. CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW’s financial interest.

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW regularly receives fee waivers under the equivalent standard relating to commercial interest under FOIA.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

²³ *Id.* § 703(e)(1).

²⁴ See *GAO is Nonpartisan*, *supra* note 5.

²⁵ 31 U.S.C. § 703(d).

²⁶ *Id.*

²⁷ See, e.g., *Providing an Order of Succession Within the Department of Justice*, 90 Fed. Reg. 2581 (Jan. 3, 2025) (rescinded by *Initial Rescissions of Harmful Executive Orders and Actions*, 90 Fed. Reg. 8237 (Jan. 20, 2025)); *Providing an Order of Succession Within the Office of Management and Budget*, 90 Fed. Reg. 2585 (Jan. 3, 2025) (also rescinded by 90 Fed. Reg. 8237).

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Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at cwentworth@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to cwentworth@citizensforethics.org and foia@citizensforethics.org or by mail to Christie Wentworth, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink that reads "Christie Wentworth". The signature is written in a cursive style with a long horizontal flourish at the end.

Christie Wentworth
Senior Policy Counsel