



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

January 24, 2025

Office of Management and Budget
725 17th Street NW, Suite 9272
Washington, DC 20503

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and United States Office of Management and Budget (“OMB”) regulations. Specifically, CREW requests the following records:

- **From November 6, 2024 to the date that this request is processed:**
 - **All memoranda, directives, or policies regarding changes to the operations of the former U.S. Digital Service, now renamed the U.S. DOGE Service per Executive Order dated January 20, 2025¹**
 - **All memoranda, directives, or policies regarding performance evaluations of employees of USDS**
 - **All ethics pledges or waivers executed by USDS personnel**
 - **All financial disclosures of USDS personnel**
 - **All communications between OMB personnel and the Trump-Vance transition team regarding USDS, including any such communications with USDS personnel**
 - **All communications with the office of the Administrator of the USDS regarding actual or potential changes to USDS operations after President Trump assumed office on January 20, 2025**
 - **All communications between OMB personnel and USDS personnel**
- **From August 11, 2014 to the date that this request is processed, all letters and inquiries, as well as their responses, between USDS and the office of any representative, senator, committee, subcommittee, working group, or caucus of the United States Congress.**
- **From January 1, 2014 to January 19, 2025:**
 - **Organizational charts for the United States DOGE Service, then referred to as the United States Digital Service**

¹The United States DOGE Service was established by executive order on January 20, 2025, through the ordered reorganization and renaming of the United States Digital Service. Except as otherwise noted in this request, “USDS” refers to both the United States DOGE Service and the United States Digital Service.

- **Memoranda, directives, and policies regarding the scope of USDS's legal authority**
- **Memoranda, directives, and policies regarding the scope of USDS's work with other federal agencies, including how USDS tracked its work with other federal agencies**
- **All documents regarding USDS's total budget and expenditures in fiscal years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, or 2025**
- **All documents regarding funding requests or justifications that related to or included USDS operations**
- **All ethics pledges or waivers executed by USDS personnel**
- **All financial disclosures of USDS personnel**

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. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those 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. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Request for Expedited Processing

CREW requests expedited processing of this request pursuant to FOIA, 5 U.S.C. § 552 and 5 C.F.R. 1303.40(e). CREW is entitled to expedited processing because (1) “[t]here is an urgency to inform the public about an actual or alleged Federal Government activity,” *id.* § 1303.40(e)(1)(ii) and CREW “is primarily engaged in disseminating information,” 28 C.F.R. § 16.5(e)(1)(ii); and (2) “[t]here are possible questions, in a matter of widespread and exceptional public interest, about the Government’s integrity which affect public confidence,” *id.* § 1303.40(e)(1)(iv).

- (1) CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’ but ‘publishing information ‘need not be [the organization’s] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several

ways. For example, CREW's website receives hundreds of thousands of 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 is a credible requestor and disseminator of information often relied on by major media outlets.²

On January 20, 2025, President Trump issued three executive orders establishing and directing the activities of the United States DOGE Service ("DOGE Service"). The first executive order was entitled *Establishing and Implementing the President's "Department of Government Efficiency"* (the "DOGE Order").³ It ordered the reorganization and renaming of the United States Department of Digital Service ("Digital Service") that had been within OMB's Office of E-Government and Information Technology to establish the ("DOGE Service") within the Executive Office of the President, so that the DOGE could "implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity" and directs the DOGE Service administrator to "commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems" and to "work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization."⁴

The second executive order was entitled *Reforming the Federal Hiring Process and Restoring Merit to Government Service* and directed the administrator of the DOGE Service, along with the Director of OMB and the Director of the Office of Personnel Management ("OPM"), to consult with the Assistant to the President for Domestic Policy to develop "a Federal Hiring Plan that brings to the Federal workforce only highly skilled Americans dedicated to the furtherance of American ideals, values, and interests."⁵ The third executive

² See, e.g., *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of numerous New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as "Top US ethics watchdog").

³ Exec. Order, *Establishing and Implementing the President's "Department of Government Efficiency"*, (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁴ *Id.*

⁵ Exec. Order, *Reforming the Federal Hiring Process and Restoring Merit to Government Service* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/reforming-the-federal-hiring-process-and-restoring-merit-to-government-service/>.

order was entitled *Hiring Freeze* (this executive order and *Reforming the Federal Hiring Process and Restoring Merit to Government Service* are referred collectively below as the “Federal Hiring Orders”) that directed the Director of OMB to consult with the administrator of DOGE and Director of OPM to “submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition.”⁶

The DOGE Order and Federal Hiring Orders come after then President-elect Trump’s announcement on November 13, 2024 the formation of the “Department of Government Efficiency” (“DOGE”).⁷ The announcement stated that Elon Musk and Vivek Ramaswamy would lead DOGE and that its mission would be to “pave the way for [Trump’s] administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies.”⁸ Musk and Ramaswamy explained their vision for DOGE in a piece that they published in the Wall Street Journal in which they said that DOGE will “work in the new administration closely with the White House Office of Management and Budget.”⁹ Their public statements, as well as social media accounts purporting to belong to DOGE, indicated that they began to undertake work on its behalf before President Trump took office.¹⁰

The Trump administration’s actions since he was inaugurated on January 20 indicate that the implementation of his “DOGE agenda” referenced in the DOGE Order is well underway, as it has already taken steps to freeze federal hiring,¹¹ eliminate civil service protections from large numbers of public employees,¹² eliminate protections from discrimination in the federal workforce,¹³ create a plan to permanently reduce the federal workforce,¹⁴ and

⁶ Exec. Order, *Hiring Freeze* (Jan. 20, 2025),

<https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

⁷ @realDonaldTrump, X (Nov. 13, 2024) <https://x.com/realDonaldTrump/status/1856658569124262092>.

⁸ *Id.*

⁹ Elon Musk & Vivek Ramaswamy, *Elon Musk and Vivek Ramaswamy: The DOGE Plan to Reform Government*, WSJ (Nov. 20, 2024),

https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020?mod=hp_opin_pos_0.

¹⁰ See generally Elizabeth Dwoskin, Jeff Stein, Jacob Bogage and Faiz Siddiqui, *Musk and Ramaswamy race to build a ‘DOGE’ team for war with Washington*, Wash. Post (Dec. 4, 2024),

<https://www.washingtonpost.com/business/2024/11/24/musk-ramaswamy-doge-trump/>.

¹¹ *Hiring Freeze*, supra note 6.

¹² Exec. Order, *Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce* (Jan. 20, 2025),

<https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/>.

¹³ Exec. Order, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 20, 2025),

<https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.

¹⁴ *Reforming Federal Hiring*, supra note 5.

ordered federal diversity, equity, and inclusion on leave.¹⁵ At the same time, Mr. Musk, who President Trump announced would head DOGE before his inauguration, is reportedly working in the West Wing of the White House, with a White House email address, without anyone having been named the administrator of the DOGE Service, while legacy Digital Service employees are being forced to interview for their current positions.¹⁶

At the same time, public reporting indicates that the DOGE Service may be acting beyond its legal authority. As described above, the DOGE Order created the DOGE Service to “moderniz[e] Federal technology and software to maximize governmental efficiency and productivity” and directs the DOGE Service administrator to “commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems” and to “work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.”¹⁷ The DOGE Order further created the DOGE Service as a “temporary organization” pursuant to 5 U.S.C. § 3161, which limits the purpose of any such temporary organization to “the purpose of performing a specific study or other project.” 5 U.S.C. § 3161(a)(1). Public reporting indicates that the DOGE Service is nevertheless operating well outside this defined legal authority by, for example, exerting pressure on federal judges, through the United States Marshals Service, to speed up the release of pardoned criminals and criminal defendants who were convicted or arrested for their roles in the January 6, 2021 attack on the Capitol.¹⁸

¹⁵ Memorandum, Initial Guidance Regarding DEIA Executive Orders, United States Office of Personnel Management (Jan. 21, 2025), <https://chcoc.gov/sites/default/files/OPM%20Memo%20Initial%20Guidance%20Regarding%20DEIA%20Executive%20Orders.pdf>.

¹⁶ Ken Thomas and John McCormick, *Inside the Elon Musk, Vivek Ramaswamy DOGE Divorce*, WSJ (Jan. 23, 2025), https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article_inline; Amie Parnes, *Elon Musk already has a White House email address*, The Hill (Jan. 20, 2025), <https://thehill.com/homenews/administration/5096177-musk-white-house-email-address/>; Natalie Alms, *U.S. Digital Service employees are being re-interviewed under DOGE transition*, (Jan. 22, 2025), <https://www.nextgov.com/people/2025/01/us-digital-service-employees-are-being-re-interviewed-under-doge-transition/402423/>.

¹⁷ *Establishing DOGE*, supra note 3.

¹⁸ Ken Thomas and John McCormick, *Inside the Elon Musk, Vivek Ramaswamy DOGE Divorce*, WSJ (Jan. 23, 2025), https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article_inline; Amie Parnes, *Elon Musk already has a White House email address*, The Hill (Jan. 20, 2025), <https://thehill.com/homenews/administration/5096177-musk-white-house-email-address/>; Natalie Alms, *U.S. Digital Service employees are being re-interviewed under DOGE transition* (Jan. 22, 2025), <https://www.nextgov.com/people/2025/01/us-digital-service-employees-are-being-re-interviewed-under-doge-transition/402423/>; Ruth Marcus, *Pardon me: What were the folks at DOGE thinking?*, Wash. Post (Jan. 23, 2025), <https://www.washingtonpost.com/opinions/2025/01/23/doge-jan-6-marshals-federal-judges/>.

Under these circumstances, “[t]here is an urgency to inform the public about an actual or alleged Federal Government activity” about which this request seeks information, namely the planned and current operations of the DOGE Service, its authority, its place in the Executive Office of the President, and the facts surrounding the reorganization of the Digital Service to establish the DOGE Service, all of which could urgently effect not only 3 million federal employees, but the untold number of American citizens who are impacted by their work. See 5 C.F.R. 1303.40(e)(1)(ii).

- (2) The same facts raise “possible questions, in a matter of widespread and exceptional public interest, about the Government’s integrity which affect public confidence,” *id.* § 1303.40(e)(1)(iv). As described above, President Trump has vowed “to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies”¹⁹ through DOGE and has taken affirmative steps to do so,²⁰ but his administration has offered no meaningful information to the public about how the DOGE Service will operate, its budget and resources, its staffing, whether those staffing it will be federal employees, how those federal employees might be classified, what the criteria for employment will be, or whether those associated with it will be required to make financial disclosures or abide by federal ethics rules for employees. The administration also has not explained what steps, if any, it is taking to account for the fact that companies owned by Mr. Musk, who President Trump has said would head DOGE and is reportedly working in the White House, have more than \$3 billion in federal contracts.²¹ Nor has there been any explanation regarding why reorganizing the Digital Service into the DOGE Service, which is by its terms is tasked with “modernizing Federal technology and software to maximize governmental efficiency and productivity,” is an efficient or appropriate vehicle for decision making that could have a permanent effect on the structure of the executive branch. And, as noted above, public reporting indicates that the DOGE Service is exceeding its legal authority under both the DOGE Order and as a temporary organization under 5 U.S.C. § 3161(a)(1).²² The lack of public information regarding the DOGE Service’s formation and operations and its apparent reach beyond its legal authority each, and in conjunction, raise significant possible questions of widespread and exceptional public interest regarding the integrity of the work of the DOGE Service.

The undersigned certifies that the representations in the foregoing Request for Expedited Processing are true and correct to the best of his knowledge and belief.

¹⁹@realDonaldTrump, X (Nov. 13, 2024), <https://x.com/realDonaldTrump/status/1856658569124262092>.

²⁰ See *infra* at 4-5.

²¹ Eric Lipton, David A. Fahrenthold, Aaron Krolik, and Kirsten Grind, *U.S. Agencies Fund, and Fight With, Elon Musk. A Trump Presidency Could Give Him Power Over Them.*, NY Times (Oct. 20, 2024), <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html>.

²² See *infra* at 5.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On November 13, 2024, President-elect Donald Trump announced the formation of DOGE.²³ The announcement stated that Elon Musk and Vivek Ramaswamy would lead DOGE and that its mission would be to “pave the way for [Trump’s] administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies.”²⁴ Musk and Ramaswamy explained their vision for DOGE in a piece that they published in the Wall Street Journal and that they anticipated it working closely with OMB and public reporting indicated that DOGE began its work, including contacting federal agencies, during the presidential transition.²⁵

On January 20, 2025, President Trump issued executive orders establishing the DOGE Service to “implement the President’s DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity,” but also ordering the Assistant to the President for Domestic Policy and Director of OPM to consult with the administrator of the DOGE Service to develop a federal hiring plan and plan to reduce the size of the government, respectively.²⁶

Public reporting indicates that Mr. Musk has begun working in the West Wing of the White House and unnamed members of the DOGE Service are re-interviewing DOGE Service staff for their current positions.²⁷ Further, the DOGE Service may be operating outside of its legal authority. As described above, the DOGE Order created the DOGE

²³ @realDonaldTrump, X (Nov. 13, 2024), <https://x.com/realDonaldTrump/status/1856658569124262092>.

²⁴ *Id.*

²⁵ Elon Musk & Vivek Ramaswamy, *Elon Musk and Vivek Ramaswamy: The DOGE Plan to Reform Government*, WSJ (Nov. 20, 2024), https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020?mod=hp_opin_pos_0; see generally Elizabeth Dwoskin, Jeff Stein, Jacob Bogage and Faiz Siddiqui, *Musk and Ramaswamy race to build a ‘DOGE’ team for war with Washington*, Wash. Post (Dec. 4, 2024), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/>.

²⁶ *Establishing DOGE*, supra note 3; *Reforming Federal Hiring*, supra note 5; *Hiring Freeze*, supra note 6.

²⁷ Ken Thomas and John McCormick, *Inside the Elon Musk, Vivek Ramaswamy DOGE Divorce*, WSJ (Jan. 23, 2025), https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article_inline Amie Parnes, *Elon Musk already has a White House email address*, The Hill (Jan. 20, 2025), <https://thehill.com/homenews/administration/5096177-musk-white-house-email-address/>; Natalie Alms, *U.S. Digital Service employees are being re-interviewed under DOGE transition*, (Jan. 22, 2025), <https://www.nextgov.com/people/2025/01/us-digital-service-employees-are-being-re-interviewed-under-doge-transition/402423/>

Service to “moderniz[e] Federal technology and software to maximize governmental efficiency and productivity” and directs the DOGE Service administrator to “commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems” and to “work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.”²⁸ The DOGE Order further created the DOGE Service as a “temporary organization” pursuant to 5 U.S.C. § 3161, which limits the purpose of any such temporary organization to “the purpose of performing a specific study or other project. 5 U.S.C. § 3161(a)(1). Despite this limited purpose and these statutory constraints, the DOGE Service has reportedly acted beyond its legal authority by, for example, exerting pressure on federal judges, through the United States Marshals Service, to speed up the release of pardoned criminals and criminal defendants who were convicted or arrested for their roles in the January 6, 2021 attack on the Capitol.²⁹

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 further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views

²⁸ Exec. Order, *Establishing and Implementing the President’s “Department of Government Efficiency,”* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

²⁹ Ken Thomas and John McCormick, *Inside the Elon Musk, Vivek Ramaswamy DOGE Divorce*, WSJ (Jan. 23, 2025), https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article_inline; Amie Parnes, *Elon Musk already has a White House email address*, The Hill (Jan. 20, 2025), <https://thehill.com/homenews/administration/5096177-musk-white-house-email-address/>; Natalie Alms, *U.S. Digital Service employees are being re-interviewed under DOGE transition*, (Jan. 22, 2025), <https://www.nextgov.com/people/2025/01/us-digital-service-employees-are-being-re-interviewed-under-doge-transition/402423/>; Ruth Marcus, *Pardon me: What were the folks at DOGE thinking?*, Wash. Post (Jan. 23, 2025), <https://www.washingtonpost.com/opinions/2025/01/23/doge-jan-6-marshals-federal-judges/>.

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.

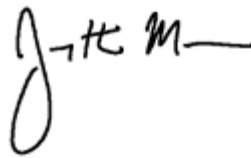
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email foia@citizensforethics.org or call (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 foia@citizensforethics.org or by mail to CREW Staff, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20004.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Maier", with a stylized flourish at the end.

Jonathan Maier
Senior Litigation Counsel
Citizens for Responsibility and Ethics in
Washington (CREW)