



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 7, 2025

U.S. DOGE Service
% Office of Management and Budget
725 17th Street NW, Suite 9272
Washington, DC 20503

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Re: Production Date for FOIA Request No. 2025-573 & 2025-574

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) is in receipt of OMB’s letters granting expedited processing for FOIA requests No. 2025-573 & 2025-574, and is writing to request that the FOIA request be processed and records be produced sufficiently in advance of a number of critical events, including but not limited to the upcoming consideration of appropriations for the federal government, so that the American public may consider records related to the U.S. DOGE Service (“USDS”), but in no event later than March 1, 2025.

On January 24, 2025, CREW submitted expedited FOIA requests to OMB and USDS seeking records related to changes to the operations of the U.S. Digital Service, organizational charts, financial disclosures, and other information relevant to the renamed and reorganized USDS and its predecessor, the United States Digital Service. On January 29, 2025, OMB granted expedited processing on CREW’s January 24, 2025 FOIA requests to OMB and USDS.

OMB’s January 29 letter stated that CREW’s “request for expedited processing is granted because [CREW has] demonstrated that you qualify under one or more of [the] categories listed above.” OMB also stated “that the granting of expedited processing does not guarantee that [CREW’s] request will be completed by a date certain.” FOIA, however, imposes a legal duty to produce records by a date certain if the value of information would be lessened or lost after a certain date. *See Brennan Ctr. for Just. at NYU Sch. of L. v. Dep’t of Com.*, 498 F. Supp. 3d 87, 99 (D.D.C. 2020). FOIA provides that “[a]n agency shall process as soon as practicable any request for records to which the agency has granted expedited processing,” 5 U.S.C. § 552(a)(6)(E)(iii) (emphasis added), and in such circumstances “as soon as practicable” means a particular date. *See Brennan Ctr.*, 498 F.

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Supp. 3d at 99.

CREW now requests that OMB and DOGE produce records by no later than March 1, 2025, due to a number of impending events of paramount public interest to which the requested documents are highly relevant. First, is the congressional and public debate over whether and how the operations of the federal government will continue to be funded, which has already begun. The continuing resolution currently funding the government expires on **March 14, 2025**.¹ Congressional consideration of any legislation to continue to fund the government beyond that date, including the required consideration of any appropriations bill on the floors of the House and Senate and reconciliation, will necessarily begin before the continuing resolution's expiration.² The records requested by CREW—OMB and USDS records related to the structure and operations of USDS—are critical for the American public to have an informed engagement with the appropriations process. House Minority Leader Hakeem Jeffries, for example, has indicated that the Democratic caucus will be considering OMB actions in the appropriations process, stating that “any effort to steal taxpayer money from the American people, end Medicaid as we know it or defund programs important to everyday Americans, as contemplated by the illegal White House Office of Management and Budget order, must be choked off in the upcoming government funding bill, if not sooner.”³ As Leader Jeffries’ statement makes clear, and as discussed further below, OMB’s roles in efforts to stop federal spending on many programs, reportedly in tandem with DOGE, will be at the heart of the debate about how the government will continue to be funded.⁴

The recent rapid actions of USDS also increases, both in the appropriations process and generally, the urgency for the requested records from both OMB and DOGE regarding the operations and structure of USDS and its attendant role in the federal government. As has been widely reported, “[t]he Department of Government Efficiency, or DOGE, run by President Trump’s billionaire adviser and Tesla CEO Elon Musk, has gained access to sensitive Treasury data including Social Security and Medicare customer payment systems.”⁵ It’s also been reported that “personnel from the Musk-created office first

¹ American Relief Act, Pub. L. No. 118-158, § 101(1) (2024), <https://www.congress.gov/bill/118th-congress/house-bill/10545/text>.

² See generally, CRS Report R42388, *The Congressional Appropriations Process: An Introduction* (Nov. 30, 2016), <https://crsreports.congress.gov/product/pdf/R/R42388>.

³ Press Release, Congressman Hakeem Jeffries, *Dear Colleague re: Ongoing House Democratic Caucus Activity* (Feb. 3, 2025), <https://jeffries.house.gov/2025/02/03/dear-colleague-re-ongoing-house-democratic-caucus-activity/>.

⁴ See *infra* 2-4.

⁵ Jennifer Jacobs, *DOGE task force gains access to U.S. Treasury Department data, payment systems*, CBS News (Feb. 3, 2025), <https://www.cbsnews.com/news/data-access-elon-musks-doge-us-treasury-lebryk/>; see also, e.g., Scott Rosenberg, *Musk team’s access to Treasury records raises a row*, Axios (Feb. 5, 2025), <http://axios.com/2025/02/05/musk-doge-treasury-payments-access-read-only>; David Ingram, *Elon Musk and DOGE are hacking the government*, NBC News (Feb. 4, 2025),

physically tried to access the USAID headquarters in Washington, DC, and were stopped. The DOGE personnel demanded to be let in and threatened to call US Marshals to be allowed access . . . The DOGE personnel wanted to gain access to USAID security systems and personnel files . . . DOGE personnel wanted access to classified information, which only those with security clearances and a specific need to know are able to access.”⁶ Minority Leader Jeffries mentioned the prospect of legislation “to prevent unlawful access to the Department of Treasury Bureau of the Fiscal Service payment system that contains highly confidential and personal information related to Social Security and Medicare recipients, taxpayers, households, nonprofits, businesses and federal contractors.”⁷ He referenced the

<https://www.nbcnews.com/tech/tech-news/elon-musk-doge-usaid-treasury-government-rcna190450>; Josh Gerstein & Kyle Cheney, *DOGE's access to federal data is 'an absolute nightmare,' legal experts warn*, Politico (Feb. 3, 2025),

<https://www.politico.com/news/2025/02/03/doge-treasury-usaid-donald-trump-011538>; Josh Meyer, *'We would call it a coup': Watchdogs and Dems attack Elon Musk Treasury Department takeover*, USA Today (Feb. 5, 2025),

<https://www.usatoday.com/story/news/politics/2025/02/03/dems-elon-musk-doge-takeover-treasury/78187978007/>; Fatima Hussein & Josh Boak, *Treasury tells Congress that DOGE has 'Read Only' access to payment systems*, Assoc. Press (Feb. 4, 2025),

<https://apnews.com/article/treasury-systems-trump-bessent-doge-musk-08eb241fc60807b5e1c7b35fcdadee245>; Gregory Korte, *Musk says DOGE is halting Treasury payments to US contractors*, Fortune (Feb. 2, 2025),

<https://fortune.com/2025/02/02/musk-doge-treasury-payments-system-halt-us-govenment-contractors-lutheran-charity/>; Lauren Irwin, *Treasury Department sued over DOGE payment access*, The Hill (Feb. 3, 2025),

<https://thehill.com/homenews/5124683-treasury-department-sued-doge-payment-access/>.

⁶ Jennifer Hansler, Alex Marquardt, & Lex Harvey, *Elon Musk said Donald Trump agreed USAID needs to be 'shut down'*, CNN (Feb. 3, 2025),

<https://edition.cnn.com/2025/02/02/politics/usaid-officials-leave-musk-doge/index.html>; see also, e.g., Andrew Roth, *Doge v USAid: How Elon Musk helped his acolytes infiltrate world's biggest aid agency*, The Guardian (Feb. 5, 2025),

<https://www.theguardian.com/us-news/2025/feb/05/musk-doge-takeover-usaid>; Jason Leopold & Anthony Cormier, *Behind DOGE's Standoff at USAID: Desk Searches and Elon Musk Calling*, Bloomberg (Feb. 3, 2025),

<https://www.bloomberg.com/news/articles/2025-02-03/behind-doge-s-standoff-at-usaid-desk-searches-and-elon-musk-calling?sref=PvP0J8mX>; Alison Durkee, *What To Know About Trump's USAID Changes—After Elon Musk's DOGE Accesses Classified Info*, Forbes (Feb. 2, 2025),

<https://www.forbes.com/sites/alisondurkee/2025/02/02/what-to-know-about-trumps-usaid-changes-after-elon-musks-doge-accesses-classified-info/>; Elizabeth Chuck, *What is USAID, the foreign assistance agency the Trump administration wants to shut down?*, NBC News (Feb. 3, 2025),

<https://www.nbcnews.com/news/us-news/what-is-usaid-trump-musk-shut-down-budget-funding-doge-rcna190441>; Ellen Knickmeyer, *Elon Musk says President Donald Trump has 'agreed' USAID should be shut down*, Assoc. Press (Feb. 3, 2025),

<https://apnews.com/article/doge-musk-trump-classified-information-usaid-security-35101dee28a766e0d9705e0d47958611>.

⁷ Press Release, Congressman Hakeem Jeffries, *Dear Colleague re: Ongoing House Democratic Caucus Activity* (Feb. 3, 2025),

<https://jeffries.house.gov/2025/02/03/dear-colleague-re-ongoing-house-democratic-caucus-activity/>.

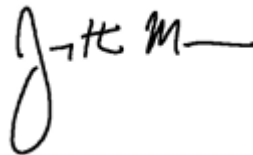
actions of USDS and related personnel, and such issues will be considered by Congress and the American public in tandem with or as a part of the appropriations process, especially when USDS itself is changing the spending practices of the federal government.⁸ The value of records concerning the organization and communications of USDS would be significantly lessened after the appropriations process concludes—both for Americans in favor of and opposed to how USDS is impacting the spending practices of the federal government.

The dissemination of information relating to the ongoing congressional debates “contributes to an informed electorate capable of developing knowledgeable opinions and sharing those knowledgeable opinions with their elected leaders. As the United States Supreme Court has opined, an informed public is ‘a structural necessity in a real democracy.’” *Ctr. for Public Integrity v. Dep’t of Defense*, 411 F. Supp. 3d 5, 12 (D.D.C. 2019) (quoting *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004)). USDS and OMB have a legal duty to process CREW’s FOIA requests and produce records by March 1, 2025 or sufficiently in advance of the expiration of the continuing resolution on March 14, 2025.

Conclusion

If you have any questions about this request or foresee any problems, please email me at foia@citizensforethics.org or call me at (202) 408-5565. Thank you for your assistance in the matter.

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

⁸ See Deirdre Walsh, *Republicans in Congress mostly shrug as Musk and DOGE set sights on spending*, NPR (Feb. 5, 2025), <https://www.npr.org/2025/02/05/nx-s1-5286426/congress-republicans-musk-doge-usaid>.