



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 28, 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 Office of Management and Budget (“OMB”) regulations. Specifically, CREW requests the following records:

1. From March 21, 2025, to the date this request is processed:
 - a. Each document apportioning an appropriation pursuant to 31 U.S.C. § 1513(b), including any associated footnotes; and
 - b. For each document apportioning an appropriation pursuant to 31 U.S.C. § 1513(b), any written explanation by the official approving each such apportionment stating the rationale for any footnotes for apportioned amounts.¹
2. From January 20, 2025, to the date this request is processed, all records² related to the removal, on or about March 24, 2025, of OMB’s public website for approved apportionments, <https://apportionment-public.max.gov/>.

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

¹ See Pub. L. No. 117-103, div. E, tit. II, § 204, 136 Stat. 49, 256 (Mar. 15, 2022); Pub. L. No. 117-328, div. E, tit. II, § 204, 136 Stat. 4459, 4667 (Dec. 29, 2022).

² “Records” here is used within the meaning of 5 U.S.C. § 552 and, unless otherwise indicated, all “records” sought in this FOIA request and each of its numbered and lettered subparts include communications sent or received by OMB regarding the subject matter described in that subpart.

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.

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).

Under the Antideficiency Act, OMB is responsible for apportioning funds to executive branch agencies.³ Because an agency cannot spend more than OMB apportions, and agency officials may be subject to administrative discipline or criminal penalties if they authorize an obligation or expenditure exceeding an OMB-approved apportionment, apportionments represent a powerful lever of control over agency spending.⁴

During President Donald Trump's first term, a congressional committee and the U.S. Government Accountability Office ("GAO") determined that the administration had used OMB's apportionment authority to withhold funds appropriated by Congress.⁵ In response, Congress passed multiple apportionment transparency provisions, including a provision requiring that OMB publish each document apportioning an appropriation.⁶ That provision included a "posting requirement," mandating that OMB create an automated system to post on the publicly accessible website each document apportioning an appropriation.⁷ The

³ 31 U.S.C. § 1513(b); Exec. Order No. 6166 (June 10, 1933), as amended by Exec. Order No. 12608, 52 Fed. Reg. 34617 (Sept. 9, 1987).

⁴ 31 U.S.C. §§ 1517–19.

⁵ House Committee on the Budget, *House Budget Committee Investigation Exposes Trump Administration's Systemic Abuse of Executive Spending Authority* (Nov. 20, 2020), <https://democrats-budget.house.gov/OMB-Abuse>. GAO, an independent, non-partisan agency, determined that at least one such use of the apportionment process violated the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* *See* U.S. Government Accountability Office, *Office of Management and Budget—Withholding of Ukraine Security Assistance*, B-331564 (Jan. 16, 2020), <https://www.gao.gov/assets/b-331564.pdf>.

⁶ *See* Pub. L. No. 117-103, div. E, tit. II, § 204, 136 Stat. 49, 256 (Mar. 15, 2022); *cf. also id.* tit. VII, § 748, 136 Stat. at 306.

⁷ *Id.* § 204(b), 136 Stat. at 257 (requiring that OMB "complete implementation of an automated system to post each document apportioning an appropriation, pursuant to section 1513(b) of title 31, United States Code, including any associated footnotes, in a format that qualifies each such document as an Open Government Data Asset (as defined in section 3502 of title 44, United States Code), not later than 2 business days after the date of approval of such apportionment, and shall place on such website each document apportioning an appropriation, pursuant to such section 1513(b), including any associated footnotes, already approved the current fiscal year, and shall

provision also included an “explanation requirement,” mandating that, for each posted document, OMB include a “written explanation by the official approving each such apportionment stating the rationale for any footnotes for apportioned amounts.”⁸ Congress later made these “posting” and “explanation” requirements permanent.⁹

To comply with these requirements, in July 2022 OMB launched a public website for “Approved Apportionments” (the “apportionment website”).¹⁰ As late as March 21, 2025, the homepage of the apportionment website included links to apportionment documents, organized by fiscal year, and cited the legal requirement that OMB post each document apportioning an appropriation. *See* Attach. 1.¹¹ On March 24, 2025, however, a news outlet reported that OMB had taken down the apportionment website.¹² And as of March 28, 2025, the apportionment website displayed “Page Not Found.” *See* Attach. 2.¹³

The removal of the apportionment website appears to violate Congress’s mandate that OMB publicly post apportionment documents. It also impedes the public’s ability to understand how the government is using public funds or whether a president or OMB may be using OMB’s apportionment authority to limit the use of public funds. The records CREW seeks in this request include the apportionment documents that OMB is required by law to make available to the public, but has not. They also include information about OMB’s removal of the apportionment website. All of these materials contribute to the public’s understanding of government funding and operations at a time when both are in unprecedented flux.

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 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.

report the date of completion of such requirements to the Committees on Appropriations and the Budget of the House of Representatives and Senate”).

⁸ *Id.* § 204(c), 136 Stat. at 257.

⁹ Pub. L. No. 117-328, div. E, tit. II, § 204, 136 Stat. 4459, 4667 (Dec. 29, 2022).

¹⁰ Nan Swift, *OMB’s New Public-Facing Apportionment Tracker a Win for Government Accountability*, R Street (July 20, 2022), <https://www.rstreet.org/outreach/ombs-new-public-facing-apportionment-tracker-a-win-for-government-accountability/>.

¹¹ Attachment 1 shows the apportionment website, as “captured” on the Internet Archive’s Wayback Machine on March 21, 2025. *See* OMB, Approved Apportionments, Wayback Machine (captured Mar. 21, 2025), <https://web.archive.org/web/20250321155515/https://apportionment-public.max.gov/>.

¹² Paul M. Krawzak, *White House scraps public spending database*, Roll Call (Mar. 24, 2025), <https://rollcall.com/2025/03/24/white-house-scraps-public-spending-database/>.

¹³ Attachment 2 shows the apportionment website as of March 28, 2025. Apportionment Website Homepage (last visited Mar. 28, 2025), <https://apportionment-public.max.gov/>.

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 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.

Request for Expedited Processing

CREW also requests expedited processing of this FOIA request both because (1) there is an “urgency to inform the public about an actual or alleged Federal Government activity,” 5 C.F.R. § 1303.40(e)(1)(ii); and CREW “is primarily engaged in disseminating information,” 5 U.S.C. § 552(a)(6)(E)(v)(II); and (2) “[t]here are possible questions, in a matter of widespread and exceptional public interest, about the government’s integrity which [a]ffect public confidence,” *id.* § 1303.40(e)(1)(iv).

a. CREW is primarily engaged in disseminating information to the public

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.¹⁴

¹⁴ 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 Mar. 28, 2025) (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”).

- b. *The request satisfies the standards for expedited processing under §§ 1303.40(e)(1)(ii), (iv)*

OMB's removal of the apportionment website, and thus the unavailability of apportionment documents which OMB is required to make public, raises questions, in a "matter of widespread and exceptional public interest, about the government's integrity which [a]ffect public confidence," and about which there is an "urgency to inform the public." 5 C.F.R. §§ 1303.40(e)(1)(ii), (iv). The statutorily mandated public release of apportionment information provides the public with time-sensitive insight into potential abuses of OMB's apportionment authority, including insight into the funding of the "United States DOGE Service" ("DOGE"), which has been apportioned tens of millions of dollars from OMB despite Congress not appropriating any funding specifically for DOGE or providing DOGE any specific authority to act. This information is particularly important as DOGE exercises "substantial authority over vast swathes of the federal government"¹⁵ while "operating with unusual secrecy."¹⁶

Indeed, before the removal of the apportionment website, the posted apportionments revealed how the administration purported to fund the newly formed and unprecedented DOGE effort.¹⁷ The administration's agenda, implemented through DOGE, has received wide public attention and at least one court has held that "[DOGE's] structure and operations doubtless concern a matter of current exigency to the public."¹⁸ Even though Congress has not appropriated any funding specifically for DOGE or provided any authority for DOGE to act, the publicly available apportionments showed that as of March 2, 2025, OMB had apportioned a total of \$41,121,156 to a new "United States DOGE Service" account.¹⁹ Among the individuals and organizations that relied on this apportionment information

¹⁵ *Citizens for Resp. & Ethics in Washington v. U.S. DOGE Serv.*, No. 25-CV-511 (CRC), 2025 WL 752367, at *11 (D.D.C. Mar. 10, 2025)

¹⁶ *Id.* at *16.

¹⁷ The United States Digital Service was renamed and reorganized as the United States DOGE Service by executive order on January 20, 2025. *See Establishing and Implementing the President's "Department of Government Efficiency"*, Exec. Order 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025).

¹⁸ *Citizens for Resp. & Ethics in Washington v. U.S. DOGE Serv.*, 2025 WL 752367, at *13 (internal quotations omitted).

¹⁹ Because OMB has removed the apportionment website, this FOIA request cites to OpenOMB.org, which "makes OMB's apportionments searchable and easier to find" by drawing on the data files posted on OMB's apportionment website. OpenOMB, *About* (last visited Mar. 28, 2025), <https://openomb.org/about>. *See* OMB, January 27, 2025 Apportionment, Iteration No. 1 for TAFS 011-X-0041 (approved Jan. 27, 2025, 08:29 PM) (apportioning \$750,000 for the "First Request of the Year" for the United States DOGE Service account), <https://openomb.org/file/11409026>; OMB, January 30, 2025 Apportionment, Iteration 2 for TAFS 011-X-0041 (approved Jan. 30, 2025, 04:51 PM) (additional \$6,000,000), <https://openomb.org/file/11409329>; OMB, February 8, 2025 Apportionment, Iteration 3 for TAFS 011-X-0041 (approved Feb. 8, 2025, 11:33 AM) (additional \$7,693,147), <https://openomb.org/file/11410065>; OMB, February 8, 2025 Apportionment, Iteration No. 1 for TAFS 011-2024-2028-0041 (approved Feb. 8, 2025, 11:33 AM) (additional \$2,559,689), <https://openomb.org/file/11410064>; OMB, February 8, 2025 Apportionment, Iteration No. 1 for TAFS 011-2022-2031-0041 (approved Feb. 8, 2025, 11:33 AM) (additional \$8,151,078), <https://openomb.org/file/11410067>; OMB, February 8, 2025 Apportionment, Iteration No. 1 for TAFS 011-2025-2025-0041 (approved Feb. 8, 2025, 11:33 AM) (additional \$13,967,242), <https://openomb.org/file/11410066>; OMB, March 2, 2025 apportionment, Iteration No. 2 for TAFS 011-2025-2025-0041 (approved March 2, 2025, 1:57 PM) (additional \$2,000,000), <https://openomb.org/file/11412264>.

were reporters who cited these apportionments in articles about DOGE,²⁰ plaintiffs who cited the apportionments in lawsuits against the administration,²¹ and members of Congress who cited these apportionments in raising additional questions about DOGE's operations.²² Without the mandated disclosures of apportionment documents, the public will remain uninformed about how DOGE will continue to operate and exert control, beyond even the president's mandate in his executive actions, over wide swaths of the federal budget.

Moreover, without the public disclosure Congress mandated, the public also has no view into how the president, who has already ordered OMB to use the apportionment process to pause or condition the availability of federal funding, is exercising his apportionment authority. Since President Trump's inauguration on January 20, 2025, on at least two occasions the president has publicly directed OMB to use the apportionment authority to control agency activity.²³ First, President Trump ordered all department and agency heads to "immediately pause new obligations and disbursements" of foreign development assistance, and stated that OMB "shall enforce this pause through its apportionment authority."²⁴ Second, the president ordered that OMB "consult with independent regulatory agency chairmen and adjust such agencies' apportionments by activity, function, project, or object, as necessary and appropriate, to advance the President's policies and priorities."²⁵ In light of these directives and GAO's finding of the president's prior abuse of OMB's apportionment authority during his first term,²⁶ it is imperative that the public have access to information about how the president, through OMB, may be using the apportionment process to control agency spending and potentially undermine the will of Congress.

Under these circumstances, "[t]here is an urgency to inform the public about an actual or alleged Federal Government activity," and there are questions in a "matter of

²⁰ See, e.g., Avi Asher-Schapiro, Andy Kroll, & Christopher Bing, *DOGE's millions: As Musk and Trump gut government, their ax-cutting agency gets cash infusion*, ProPublica (Feb. 20, 2025), <https://www.propublica.org/article/doge-trump-musk-funding-foia-congress-transparency>; Peter Cohn, *White House opens funding spigot for DOGE expenses*, Roll Call (Feb. 4, 2025), <https://rollcall.com/2025/02/04/white-house-opens-funding-spigot-for-doge-expenses/>.

²¹ Mem. in Support of Pls.' Renewed Mot. for Temp. Restraining Ord. at *36, n.39, *AFL-CIO v. Department of Labor*, No. 1:25-cv-00339 (D.D.C. Feb. 12, 2025), ECF No. 29-1; Mem. in Support of Pls.' Mot. for Prelim. Inj. at *2, n.1, *CREW v. U.S. DOGE Service*, 1:25-cv-00511 (D.D.C. Feb. 20, 2025), ECF No. 2-1.

²² Letter from Rep. Rosa L. DeLauro, Ranking Member, Committee on Appropriations, to Russell T. Vought, Director, Office of Mgmt & Budget (Mar. 4, 2025), <https://democrats-appropriations.house.gov/sites/evo-subsites/democrats-appropriations.house.gov/files/evo-media-document/2025.3.4-omb-doge-information.pdf> (explaining that the Economy Act "is the listed authority on all United States DOGE Service budgetary resources" and requesting copies of such interagency agreements); Letter from Steny H. Hoyer, Ranking Member, Subcommittee on Financial Services and General Government, House Appropriations Committee, et al., to David Joyce, Chairman, Subcommittee on Financial Services and General Government, House Appropriations Committee (Mar. 24, 2025), <https://hoyer.house.gov/sites/evo-subsites/hoyer.house.gov/files/evo-media-document/final-letter-to-joyce-re-doge.pdf> (raising questions about DOGE's use of the Economy Act, and explaining that "apportionment records appear to indicate" that DOGE's operations are funded by that Act).

²³ Cf. *Withdrawing the United States From the World Health Organization*, Exec. Order No. 14155, 90 Fed. Reg. 8361 (Jan. 20, 2025) (directing OMB to "take appropriate measures" to "pause the future transfer of any United States government funds, support, or resources to the WHO").

²⁴ See *Reevaluating and Realigning United States Foreign Aid*, Exec. Order No. 14169, 90 Fed. Reg. 8619 (Jan. 20, 2025).

²⁵ See *Ensuring Accountability for All Agencies*, Exec. Order No. 14215, 90 Fed. Reg. 10447 (Feb. 18, 2025).

²⁶ U.S. Government Accountability Office, *Office of Management and Budget—Withholding of Ukraine Security Assistance*, B-331564 (Jan. 16, 2020), <https://www.gao.gov/assets/b-331564.pdf>.

widespread and exceptional public interest, about the government's integrity which [a]ffect public confidence," namely, the executive branch's apparent failure to comply with a duly enacted law and its use of the apportionment process to control and direct agency spending. See 5 C.F.R. §§ 1303.40(e)(1)(ii), (iv). OMB's failure to comply with this transparency requirement, particularly in light of the recent passage of a full-year continuing resolution, denies the public crucial information about how public money will be spent.²⁷ As the Vice Chair of the Senate Appropriations Committee and the Ranking Member of the House Appropriations Committee stated in response to the removal of the apportionment website, "all American taxpayers . . . deserve transparency and accountability for how their money is being spent."²⁸

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

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.

When 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,



Christie Wentworth
Senior Policy Counsel
Citizens for Responsibility and Ethics in
Washington (CREW)

²⁷ See generally Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4 (Mar. 15, 2025); see OMB, Circular No. A-11: Preparation, Submission, and Execution of the Budget § 120.59 (July 2024) (describing automatic apportionments approved by OMB after enactment of a short-term continuing resolution); see, e.g., *id.* § 120.60 (outlining apportionment process following the replacement of a short-term continuing resolution with a full-year appropriation).

²⁸ United States Senate Committee on Appropriations, *What are they hiding? Murray, DeLauro Demand OMB Promptly Restore Access to Website Detailing Federal Spending Allocations, As Federal Law Requires* (Mar. 24, 2025), <https://www.appropriations.senate.gov/news/minority/what-are-they-hiding-murray-de-lauro-demand-omb-promptly-restore-access-to-website-detailing-federal-spending-allocations-as-federal-law-requires>.

Attachment 1








[_ \(https://web.archive.org/web/20250321155515/https://www.whitehouse.gov/omb/\)](https://web.archive.org/web/20250321155515/https://www.whitehouse.gov/omb/)

Approved Apportionments

The public release of apportionment documents on this website fulfills the requirement in Public Law 117–103 for the Office of Management and Budget (OMB) to post each document apportioning an appropriation.

An apportionment is an OMB-approved plan to use budgetary resources. Apportionment documents will be posted to this page two days after approval by OMB.

For further information on apportionments, see [Section 120](https://web.archive.org/web/20250321155515/https://www.whitehouse.gov/wp-content/uploads/2018/06/s120.pdf) (<https://web.archive.org/web/20250321155515/https://www.whitehouse.gov/wp-content/uploads/2018/06/s120.pdf>) of OMB Circular No. A–11.

-  Fiscal Year 2025
-  Fiscal Year 2024
-  Fiscal Year 2023
-  Fiscal Year 2022
-  Other Apportionment Material

Attachment 2

MAX Homepage



Page Not Found

Please try the following:

1. If you typed this page address in the Address bar, make sure that it is spelled correctly
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