

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, *et al.*,**

Defendants.

Civil Action No. 25-01020 (TJK)

**PLAINTIFF'S RESPONSE TO THE SUPPLEMENTAL DECLARATION OF
WILLIAM HOLZERLAND**

INTRODUCTION

Pursuant to the Court’s direction at the preliminary injunction hearing held on May 13, 2025, Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) submits this response to the Supplemental Declaration of William Holzerland (“Supp. Decl.”), ECF No. 25-1.

The supplemental declaration is Defendants’ fourth failure to explain how they can comply with their basic Freedom of Information Act (“FOIA”) obligations at the U.S. Centers for Disease Control and Prevention (“CDC”) without the agency’s FOIA office. Defendants first failed to provide any explanation when they abruptly shuttered the office on April 1, 2025. *See* Mem. in Supp. of Pl.’s Mot. for Prelim. Inj. & Partial Summ. J. (“Pl.’s Mem.”) 6-7, 25-26, ECF No. 13-1. A month later, Defendants’ response to CREW’s preliminary injunction motion failed to rebut CREW’s evidence, and in fact admitted, that the central Department of Health and Human Services (“HHS”) FOIA office (“OS FOIA”) they assigned to handle CDC FOIA work lacks the capacity, resources, specialized training, or basic technological access necessary to do that work and comply with FOIA at CDC. *See* Reply Mem. in Supp. of Pl.’s Mot. for Prelim. Inj. (“Pl.’s Reply”) 12-16, ECF No. 20. At the May 13 hearing on CREW’s motion, Defendants’ counsel failed to adequately address these significant issues. Now, Defendants’ supplemental declaration fails in its attempt to paper over them.

The supplemental declaration purports to provide additional information on four subjects: (I) the closure of the CDC FOIA office and reorganization of HHS FOIA operations; (II) Defendants’ information technology to conduct FOIA work; (III) OS FOIA’s processing of FOIA requests; and (IV) OS FOIA’s training to process requests. *See* Supp. Decl. ¶ 3. But none of its representations satisfy the Court’s specific request for “additional” “facts” showing Defendants are processing CDC FOIA requests and have “solid plans” to comply with FOIA. May 13, 2025

H'rg Tr. ("Tr.") 48:12-18, 67:9. Instead, the declaration confirms that Defendants are engaged in a "shell game" with no clear ability or intention to properly handle the important work of the CDC FOIA office in the near term. Tr. 48:13-16. Close consideration of each of the declaration's four sections drives home this conclusion and shows that, under present circumstances and due entirely to Defendants' unreasoned and sudden decision-making, Defendants cannot comply with FOIA at CDC while rendering CDC's FOIA office inoperative.

FACTUAL ANALYSIS

I. Closure of the CDC FOIA Office and Reorganization of HHS FOIA Operations

Defendants' supplemental declaration begins with an irrelevant semantic dispute, claiming that the elimination of the CDC FOIA office was not in fact "a shut down." Supp. Decl. ¶¶ 5-6. But it readily indicates that FOIA compliance at CDC unexpectedly ceased on April 1, and that Defendants are now unsuccessfully scrambling to comply with the statute.

The declaration does not dispute that Defendants placed *everyone* in the CDC FOIA office on administrative leave on April 1, thereby eliminating the office and removing all two-dozen employees with direct "expertise" on CDC's specific records systems and scientific and technical work. Supp. Decl. ¶¶ 6-7 (describing the office as the "former" office); *see also id.* ¶¶ 17-18 (explaining that Defendants are now directing requesters to the OS-FOIA webpage and have disabled the CDC FOIA submission weblink); Decl. of Kevin Griffis ("Griffis Decl.") ¶¶ 13-14, 19-20, ECF No. 13-17; Decl. of Person Doe ("Doe Decl.") ¶ 10, ECF No. 13-16.¹ And they do not

¹ In two footnotes, the declaration cites Executive Order 14210 and 45 C.F.R. § 5.3 to justify the closure of the CDC FOIA office. *See* Supp. Decl. ¶ 6 nn.1-2. Neither provides Defendants with any support or absolves them from meeting their legal obligations under FOIA. *See* Pl.'s Mem. 31; Pl.'s Reply 12-13, 19, 21. Defendants err in newly arguing that 45 C.F.R. § 5.3 (1) does not "govern personnel matters," and (2) does not limit the OS FOIA office's discretion to process FOIA requests. The first argument contradicts Defendants' earlier argument that 45 C.F.R. § 5.3 justified eliminating the personnel and function of the FOIA office at CDC, an "agency" subject to FOIA. *See* 5 U.S.C. §§ 551-52 (broadly defining an agency as "each authority of the

dispute that they acted on April 1 without any advanced notice or planning, and that their efforts to “reorganize[e]” FOIA operations and centralize the CDC FOIA function are therefore *still* ongoing more than a month-and-a-half later. Supp. Decl. ¶¶ 6, 12 (explaining reorganization and centralization is “being implemented” and “aims at consolidating . . . functions”). They further express no intent to hire back or otherwise restore the employment status of any of these “former” CDC FOIA employees, *id.* ¶ 14, despite taking such action for other HHS FOIA components, *see* Pl.’s Reply 24.

Moreover, the supplemental declaration misses the mark in claiming that there has been no CDC FOIA shutdown because Defendants are not acting “with the intent of disrupting or preventing FOIA services,” and are instead “continuing to meet [their] FOIA obligations through completion of work on new and existing FOIA requests.” Supp. Decl. ¶¶ 6-7. Defendants’ intent to “moderniz[e]” and “streamline operations,” even if well-meaning in theory,² is irrelevant to whether they are in reality processing CDC FOIA requests and conducting other necessary CDC FOIA work without the agency’s FOIA office. *Id.* ¶ 6 & n.3. As detailed below in Section III,

Government of the United States, whether or not it is within or subject to review by another agency”). What is more, 45 C.F.R. § 5.3 in fact mandates that CDC maintain separate FOIA personnel and functions as part of an intentionally decentralized HHS FOIA system. Defendants’ second argument flies in the face of the regulation’s plain text, which permits OS FOIA to process CDC FOIA requests *in certain circumstances*, not all circumstances. Defendants never grapple with this clear language or identify any previous situation where they applied it in such a drastic manner. Their interpretation therefore merits no deference. *See, e.g., Ramsingh v. Transportation Sec. Admin.*, 40 F.4th 625, 632 (D.C. Cir. 2022) (declining to defer to agency interpretation where regulation was not ambiguous).

² Secretary Kennedy has recently appeared to backtrack from the HHS FOIA centralization hypothesis, claiming that he intends to bring back certain HHS offices. *See* Forbes Breaking News, *RFK Jr. Promises HHS FOIA Offices Will Be Restored, Details Steps To ‘Total Transparency’*, YouTube (Apr. 26, 2025), <https://www.youtube.com/watch?v=rjb9Qc18t2I>; CNN (May 2, 2025); *see also* Rachana Pradhan, *In Reversal, FDA Rehires Staff Tasked With Releasing Public Records*, CNN (May 2, 2025), <https://www.cnn.com/2025/05/02/health/fda-public-records-kff-health-news#:~:text=The%20FDA%20has%20rehired%20at,Services%2C%20which%20oversees%20the%20agency.>

CREW has adduced even more evidence, including from third-party declarants, that OS FOIA is currently engaged in a broad dereliction of compliance with CDC FOIA's obligations. And Defendants' supplemental declaration itself conspicuously fails to provide *any* concrete information on Defendants' ongoing CDC-specific FOIA work.

Parsing the declaration's representations in paragraphs 7-11, where it discusses Defendants' supposed "goal of processing FOIA requests as quickly as practicable," *id.* ¶ 7 exposes Defendants' failure to provide information on CDC-specific work:

- In paragraph 7, the declaration alleges that, as of May 19—more than a month after the April 1 RIFs—HHS has “synthesized the existing FOIA workloads” of the CDC FOIA office and of the Office for the Administration for Children and Families (“ACF”) into the OS FOIA workload. But the declaration does not explain what “synthesization” means or state that OS FOIA is actually processing the “pending and new FOIA requests” directed to CDC or handling CDC “litigation productions.”³ And adding to the confusion, the declaration later backtracks on its claim that OS FOIA has synthesized the CDC FOIA workload by asserting that this effort is “currently” ongoing. *Id.* ¶ 22.
- In paragraph 8, the declaration states that OS FOIA has processed 91 “pre-existing FOIA requests” since April 1, but it never states whether these FOIA requests were pre-existing OS FOIA requests, for which the OS FOIA office always was responsible, or pre-existing CDC FOIA requests. And there are at least two reasons to conclude that all, or nearly all, of these 91 requests processed “on a first-in, first-out basis” between April 1 and May 19 were not CDC FOIA requests—Defendants admit in paragraph 16 that OS FOIA did not even gain basic access to CDC FOIA systems until May 6, and publicly-available quarterly

³ In fact, in several recent joint status reports in other ongoing CDC FOIA cases, Defendants have explained that they are unable to carry out various CDC FOIA obligations because of the April 1 RIFs and closure of the CDC FOIA office. *See, e.g.,* Joint Status Rep. at 1 *Informed Consent Action Network (“ICAN”) v. CDC et. al*, No. 24-cv-1000 (D.D.C. May 12, 2025), ECF No. 18 (explaining that Defendants need time to review plaintiff's challenges to redactions because the CDC FOIA office “currently is unstaffed” and OS FOIA “is working to gain access to the [CDC] FOIA office's records”); Joint Status Rep. at 2, *ICAN v. CDC et. al*, No. 24-cv-1673 (D.D.C. Apr. 18, 2025), ECF No. 29 (explaining that Defendants missed an April 2, 2025 deadline to produce a draft declaration and *Vaughn* index because of the April 1 RIFs, and that they could not provide a date certain for this production); Joint Status Rep. at 2, *ICAN v. CDC et. al*, No. 24-cv-1764 (D.D.C. Apr. 7, 2025), ECF No. 15 (similar); Joint Status Rep. at 1, *ICAN v. CDC et. al*, No. 24-cv-1621 (D.D.C. Apr. 18, 2025), ECF No. 27 (similar, regarding inability to send supplemental release); Joint Status Rep. at 2, *ICAN v. CDC et. al*, No. 24-cv-1617 (D.D.C. Apr. 7, 2025), ECF No. 23 (similar, regarding inability to review inquiries regarding productions); *see also* Pl.'s Notice of Supp. Auth. at 1-2, Ex. 1, ECF No. 17-1.

FOIA statistics show that OS FOIA has processed an average of 90 requests for each month in the last three fiscal quarters before the shuttering of CDC FOIA.⁴

- In paragraph 9, the declaration attempts to illustrate how OS FOIA is meeting FOIA obligations by offering an example of a specific FOIA request the office handled after April 1. But that FOIA request was not a CDC-directed request and did not require CDC FOIA work. Nor does the declaration represent that this request was submitted after the April 1 shuttering of the CDC FOIA office. As the declaration lays out, the request sought data “maintained by the Office of the Assistant Secretary for Health”—an HHS Secretary component for which OS FOIA has always processed FOIA requests⁵—and OS FOIA simply “coordinated discussions between the requester and HHS subject matter experts” and ensured the requester received a sample data set.
- In paragraph 10, the declaration states that OS FOIA is in “the final stage” of reviewing over 80,000 pages of records” for “over 500 pending requests,” but it never states when these requests were received, and whether they pertain to CDC, as opposed to OS FOIA’s pre-existing docket of work before the CDC FOIA shutdown. And since OS FOIA just gained access to CDC systems and is at this point unable to provide a single example of CDC FOIA processing, it is highly unlikely that these processing stats apply to CDC FOIA work.
- In paragraph 11, the declaration asserts that OS FOIA has been making proactive disclosures on the HHS reading room website, including by posting 70 “discrete items” since April 1. But it does not assert that any of these disclosures relate to CDC or fulfill CDC’s FOIA obligation to maintain its own proactive disclosure “Web site” and “determining which of its records” belong on it. 45 C.F.R. § 5.2(b) (implementing affirmative disclosure requirement in 5 U.S.C. 552(a)(3)). The only two examples the declaration gives of proactive disclosures are HHS FOIA logs and litigation releases, not CDC FOIA logs or litigation releases.

Supp. Decl. ¶¶ 7-11, 16, 22. In short, the supplemental Holzerland declaration falls short in exactly the same way as his initial declaration; it never provides any clear indication or “sample” of CDC FOIA work taking place in the nearly two months since the April 1 RIFs. *Id.* ¶ 12; *see* Pl.’s Reply 13-14 (already pointing out that Defendants failed to demonstrate CDC FOIA processing).

⁴ *See* Create a Quarterly Report, FOIA.gov, <https://www.foia.gov/quarterly.html> (revealing processing rates of 79 requests per month for Q3 2024, 105 requests per month for Q4 2024, and 86 requests per month for Q1 2025).

⁵ *See* 45 C.F.R. § 5.3 (definition of Staff Division); 2025 *Chief FOIA Officer Report*, HHS (Mar. 10, 2025) (“2025 HHS Chief FOIA Officer Report”), <https://www.hhs.gov/foia/statutes-and-resources/officers-reports/2025-introduction/index.html> (discussion in Introduction of Office of the Assistant Secretary for Health).

And looking ahead, the declaration’s vision of a “unified” FOIA processing system “in the coming months,” Supp. Decl. ¶ 12, does not square with the facts: the basic statistics and factors showing that OS FOIA simply does not have the capacity to take on pending and future CDC FOIA work and simultaneously handle its present backlog and future workload, *see* Pl.’s Mem. 9, 26; Pl.’s Reply 13-14. To its un rebutted showing on this front, CREW adds only that the supplemental declaration wholly fails to square OS FOIA’s limited resources with the office’s burgeoning docket.

The declaration curiously provides no indication of the number of employees currently working at OS FOIA. But available data indicates that this number is small and shrinking. At the end of the last quarter for fiscal year 2024, OS FOIA had only 31 full-time FOIA employees (out of 336 total HHS FOIA employees), Pl.’s Mem. 9, and it has since reported that it has lost staff, *see id.* (relying on 2025 HHS Chief FOIA Officer Report authored by William Holzerland); Decl. of William H. Holzerland (“Holzlerland Decl.”) ¶ 49 (alleging OS FOIA has experienced a “loss of staff”), ECF No. 18-1. The declaration does not indicate that Defendants are bringing on any new employees or outside support resources using already appropriated funds, or seeking additional budgetary outlays, to shore up the OS FOIA losses, and Defendants’ RIF actions make any such backfilling unlikely.⁶

In its limited and hobbled state, the OS FOIA office must nonetheless do far more work than it previously did, as the supplemental declaration reaffirms. As it reiterates, OS FOIA must now complete “all” the work of the CDC FOIA office’s roughly 23-person FOIA staff,⁷ “all” the

⁶ *See* Holzerland Decl. ¶¶ 13-14 (citing as supporting authority Executive Order 14210, an executive order focused on reducing the size of the federal bureaucracy); Supp. Decl. ¶ 6 n.1 (same).

⁷ *See* Pl.’s Mem. 6; *see also* HHS, HHS Fiscal Year 2024 Freedom of Information Annual Report (updated Feb. 21, 2025) (“2024 Annual FOIA Report”), <https://www.hhs.gov/foia/reports/annual-reports/2024/index.html> (Section IX).

work of the ACF FOIA office’s 18-person FOIA staff,⁸ and centralized workload across HHS. Supp. Decl. ¶¶ 7, 36; *see also* Holzerland Decl. ¶¶ 37, 40-41, 50 (similarly discussing the integration of FOIA workload from CDC, ACF, and “several other FOIA Offices”).

There is no evidence in the record or reason to think that OS FOIA is up to the task. It already fares poorly compared to other FOIA offices within HHS. For example, OS FOIA began 2024 with 2,189 pending FOIAs and ended the year with 3,679 pending requests, a 68% increase. 2024 Annual FOIA Report, *supra* note 7, at Section V.A. By contrast, the CDC FOIA office reduced its pending requests by 22% during the same time span, even as it processed 44% more requests. *Id.* (laying out how the CDC FOIA office processed 1,918 requests as compared to OS FOIA’s 1,329 requests). OS FOIA also takes by far the longest time among all HHS FOIA offices to adjudicate requests for fee waivers—in 2024 averaging 557.75 days for 8 requests, while CDC averaged 1.62 days for 282 requests. *Id.*, Section VIII.B. And OS FOIA takes the longest time at HHS to adjudicate requests for expedited processing—in 2024 averaging 270 days for 49 requests, while CDC averaged under two days for 174 requests. *Id.*, Section VIII.A. All this despite its larger staff than that of CDC’s now-shuttered FOIA office. *Id.*, Section IX. Unsurprisingly, then, OS FOIA has consistently failed to meet its statutory obligations with respect to CREW’s recent requests and has admitted that its “current workload is approximately 3000 cases.” Supp. Decl. of Alex M. Goldstein (“Goldstein Supp. Decl.”) ¶ 6; *see id.* ¶¶ 7-19.

Under these circumstances, the Court should not let Defendants’ claimed reorganization “play out” on Defendants’ own nebulous terms and timelines. Tr. 4:1-17. As the supplemental declaration makes clear with its vague representations, Defendants have no solid plan in place to

⁸ *See* 2024 Annual FOIA Report, *supra* note 7, at Section IX (also indicating that the ACF FOIA office has roughly 15 additional full-time-equivalent employees, which presumably also were impacted by the ACF FOIA office closure).

perform CDC FOIA work, and their lack of reasoned decisionmaking therefore warrants no deference.

II. Information Technology

The supplemental Holzerland declaration offers two sets of allegations regarding Defendants’ information technology for FOIA work, but neither provides any assurance that they have and will comply with basic FOIA obligations at CDC.

First, Defendants allege that the automated emails that CREW received on April 1 were “unauthorized communications,” and CREW “should [have] know[n]” better than to construe those emails as denials of its FOIA requests. Supp. Decl. ¶¶ 13-15. This argument is irrelevant. It has nothing to do with any factual issue concerning Defendants’ existing FOIA operations (*i.e.*, the only subject the Court asked them to address in their supplementation), *see* Tr. 48:12-18, and it is a red herring because it attacks a claim that CREW has not pleaded (*i.e.*, that the April 1 emails denied its FOIA requests outright, entitling it to sue on that basis), *see* Pl.’s Reply 5 n.2. The parties agree that the only “denial” claim that CREW has raised—the denial of expedited processing—is ripe. *See* Tr. 36:14-37:9 (conceding that exhaustion for expedited processing is not at issue).⁹

Second, Defendants admit that OS FOIA has only recently gained access to CDC FOIA systems, and their allegations on what they have done with their newfound access do not indicate the office is performing CDC FOIA work yet. On the former point, Defendants allege that OS FOIA gained control of the CDC FOIA “database,” “tracking system,” and “email addresses” as

⁹ In any event, Defendants’ argument is specious. Again, they wrongly blame CREW for their own poor planning and decisionmaking. *See* Pl.’s Reply 9-10 (similar). CREW’s submission conformed with Defendants’ own websites and regulations at the time. *See* Compl. for Inj. & Decl. Relief ¶¶ 22-24; Pl.’s Mem. 16. If Defendants meant to direct FOIA requesters to submit CDC FOIA requests elsewhere, and to avoid the CDC FOIA office needing to advise requesters of its closure and inability to respond, they could have acted with some semblance of advance planning and notice before shuttering the CDC FOIA office. They did not.

of May 6, more than a month after the CDC FOIA Office closure. Supp. Decl. ¶ 16. On the latter score, Defendants allege only that they have now updated the CDC FOIA web resources to route CDC-directed requests to OS FOIA. *Id.* ¶¶ 17-18, 20. For the “approximately 212 new [CDC] FOIA requests” after April 1 that have now been routed to OS FOIA, Defendants do not assert OS FOIA is doing anything specific with them. *Id.* ¶ 19; *see also* Decl. of Person Doe (“May 21 Doe Decl.”) ¶¶ 12-13 (observing that CDC FOIA requests “are not being routed to offices within CDC to collect responsive records,” and providing an example of a large category of records, from CDC’s Division of Healthcare Quality Promotion, for which records requests do not appear to be being routed). All Defendants can vaguely muster is that they and OS FOIA are “taking actions consistent with its statutory obligations,” which “[t]ypically . . . involves logging new requests, assigning them individual tracking numbers, . . . tasking [them] out to program offices,” and “conduct[ing] searches.” Supp. Decl. ¶ 19. Whatever their typical process, they have not alleged any facts establishing it is actually playing out here for CDC requests. The supplemental declaration is noticeably devoid of any details regarding CDC FOIA request logging, tasking, and searching.

III. Processing of FOIA Requests

The Holzerland supplemental declaration’s allegations on ongoing OS FOIA processing work simply reiterate its earlier ones and thus are more of the same: they do not allege OS FOIA is actually processing CDC FOIA requests. *Compare id.* ¶¶ 21-24 (vaguely alleging that OS FOIA “is currently synthesizing” the CDC FOIA workload, and stating that OS FOIA is processing 91 FOIA requests and issuing 17 litigation productions without specifying that these are CDC requests and productions, as opposed to its own existing work), *with id.* ¶¶ 7-11 (same). They proceed from the fundamental misapprehension that OS FOIA’s belated access to CDC systems and work on

unspecified FOIA requests and productions—all presumably its own existing workload—demonstrate compliance with CDC FOIA obligations. They do not.

Defendants’ allegations concerning CREW’s five specific FOIA requests similarly do not inspire confidence. *See id.* ¶¶ 25-26. The declaration alleges only that CREW’s granted expedited request is last in the OS FOIA expedited processing queue—70th out of 70 expedited requests. *See id.* ¶ 26. It provides no estimated timeline for expedited processing of this request, despite government counsel’s stated intention to obtain one. Tr. 50:7-12. Nor does it provide any details on any work to process CREW’s four other pending FOIA requests, including where these fall in OS FOIA’s queue. *See Supp. Decl.* ¶¶ 25-26 (stating simply that it is inaccurate that the requests are not being acted upon, without providing any detail other than its past representation that it denied them expedition); *see also* Goldstein Supp. Decl. ¶ 23 n.1 (pointing out how the requests have grown in urgency).

OS FOIA’s queue of expedited and ordinary CDC FOIA requests will surely balloon as the office continues to leverage its newfound technical access and “synthesize” the CDC FOIA workload, and as its small and shrinking staff is tasked with vastly more work than its pre-April 1 docket. *See* Pl.’s Mem. 8-11, 26; Pl.’s Reply 13-14; *supra* Section I. Accordingly, the Court should not lend credence to the supplemental declaration’s suggestion that everything is business as usual for the OS FOIA office. *See Supp. Decl.* ¶ 22 (alleging that OS FOIA is “executing actions consistent with the FOIA regarding pending and new FOIA requests”).

With this state of affairs, Defendants are unable to process the hundreds of currently pending CDC FOIA requests, the hundreds of new requests for CDC records submitted each month, and the additional workload from processing OS FOIA requests and requests to other HHS

components.¹⁰ CREW has submitted additional FOIA requests for CDC records, *see* Goldstein Supp. Decl. ¶¶ 20-22, but the supplemental declaration's generic assurances of FOIA compliance provide zero confidence that these additional requests will be processed in compliance with FOIA. The same goes for other requesters. As the declarations accompanying this response establish, several other requesters have, like CREW, been stonewalled by Defendants. *See* Decl. of Julia Szybala ¶¶ 7-24 (detailing how, for five CDC FOIA requests submitted by Democracy Forward Foundation between January 21, 2025 and April 25, 2025, Defendants have gone silent after simply acknowledging the first four, have not responded to the fifth, and have ignored multiple attempts to obtain status updates); Decl. of Andrea Issod ¶¶ 6-12 (detailing April 1, 2025 Sierra Club FOIA request to CDC that has been completely ignored, other than an automated email response informing Sierra Club of the office closure); Decl. of Anisha H. Hindocha ¶¶ 9-25 (detailing American Oversight's six outstanding requests to CDC and how CDC has not provided any correspondence since the CDC FOIA office closure, other than one automated email response on April 1, 2025); Supp. Decl. of Darya Minovi ¶¶ 3-10 (detailing Union for Concerned Scientists' multiple unsuccessful attempts to obtain status updates on a March 11, 2025 FOIA request after receiving an estimated completion time of May 6, 2025).

Defendants' ability to offer only vague handwaving at some unspecified OS FOIA processing, *see* Supp. Decl. ¶¶ 21-24, suggests that CDC FOIA requesters, like CREW, are in store for more stonewalling. And given OS FOIA's already-significant backlog and increased responsibilities, only those requesters with the resources to litigate are likely to receive records in

¹⁰ The quarterly FOIA data for CDC, available at <https://www.foia.gov/quarterly.html>, *see supra* note 4, indicates that the components each generally receive hundreds of requests each fiscal quarter. The data indicates that, during Q1 2025, CDC received 539 FOIA requests, processed 482 of them, and had 132 requests in its backlog. *See also* 2024 Annual FOIA Report, *supra* note 7, at Sections V.A, V.B.(1), XII.A., and XII.D.(2) (laying out processing and backlog figures for 2024 fiscal year).

a timely manner. Defendants’ actions undermine the purpose of FOIA: to ensure government transparency to all Americans, regardless of wealth or status.

IV. Training

Finally, the Holzerland supplemental declaration offers two related reasons why OS FOIA believes it has the know-how to completely take over the entire CDC FOIA function, but neither reason withstands scrutiny.

The supplemental declaration begins by claiming that OS FOIA’s work to successfully process FOIA appeals of CDC FOIA determinations prior to the April 1 RIFs equips OS FOIA with the “expertise” necessary to “handle” all CDC “FOIA work” going forward. *Id.* ¶¶ 28-31. Setting aside the fact that OS FOIA is wrong that it has successfully executed its appellate duties in recent years—as the HHS annual FOIA reports establish, the OS FOIA appellate backlog is substantial and growing¹¹—the declaration itself belies the claim that OS FOIA appellate work has any bearing here. As the supplemental declaration alleges, “[a]ppeals require *reviewing . . . the administrative record of the processing* of the initial request, including review of any rationale or reasoning for the initial response.” Supp. Decl. ¶ 30 (emphasis added). In other words, the OS FOIA appellate review process admittedly relies on the critical work of the CDC FOIA office (and other HHS FOIA offices) to identify the specific agency programs, structures, scientific and technical activities, and officials implicated by particular FOIA requests; locate and search relevant agency record systems and obtain responsive records; and make agency-specific withholding determinations. *See also* 2025 HHS Chief FOIA Officer Report, *supra* note 5, at Section V.C

¹¹ *See* 2024 Annual FOIA Report, *supra* note 7, at Sections XII.A, XII.E.(2); 2025 HHS Chief FOIA Officer Report, *supra* note 5, at Section II.A; *see also* Pl.’s Mem. 9 (discussing OS FOIA backlog).

(William Holzerland’s explanation that OS FOIA “relies on” the FOIA offices of CDC and other HHS components for their “input” and their “administrative records”).

The declaration never explains how OS FOIA’s appellate duties in simply reviewing the end result of all this CDC processing work—which is the product of the now-shuttered CDC FOIA office’s on-the-ground know-how, training, and experience—arm OS FOIA with the expertise necessary to carry out this work in the first instance. It also never explains how OS FOIA can do this work without any aid from the CDC FOIA office staff, all of whom have been relieved of their duties. Nor could the declaration plausibly make these logical leaps, either as a matter of theory or practical reality. Common sense indicates that appellate authority generally is distinct from, and critically depends on, the initial adjudicatory analysis of the subordinate tribunal. And OS FOIA can hardly claim that its past appellate duties have practically enabled it to get rid of that substantial legwork and handle CDC FOIA processing by itself when, on its own telling, it did not even obtain “access” to CDC FOIA systems until two weeks ago and had to overcome “technical complexities” to achieve this basic feat. Supp. Decl. ¶ 22.

Additional facts undercut the claim that OS FOIA’s appellate experience “best equip[s]” it to handle CDC FOIA work or other components’ FOIA work. *Id.* ¶ 36. For one, the 2025 HHS Chief FOIA Officer Report authored by Defendants’ declarant William Holzerland emphasizes that the now-shuttered CDC FOIA office, the OS FOIA office, and other HHS FOIA offices have their own different and diverse training programs and activities to ensure fair and effective FOIA administration within their components. *See* 2025 HHS Chief FOIA Officer Report, *supra* note 5, at Section II.A. The Holzerland supplemental declaration blithely ignores this fundamental point. It claims that OS FOIA’s “training” to carry out its “appellate authority” and “interpret” and “apply” statutes and regulations is sufficient, without acknowledging that this training is separate

from the specialized training that the CDC FOIA office has undertaken to carry out CDC-specific searching and other processing work. Supp. Decl. ¶ 31.

Moreover, the accompanying Doe declaration from a CDC employee reinforces that OS FOIA appellate determinations on CDC FOIAs critically depend on, and involve considerable deference to, the substantial underlying work that the CDC FOIA office performs and the expertise the office brings to bear. *See* May 21 Doe Decl. ¶¶ 5-10 (explaining that OS FOIA does not have CDC-specific subject-matter or component-level expertise, but rather relies on CDC FOIA’s expertise, including by relying on CDC FOIA memoranda, reports, and administrative records in order to handle CDC FOIA appeals).¹² Absent that underlying work and expertise, it is unclear how OS FOIA can claim that it will handle CDC FOIA work on its own.

Perhaps realizing this key weakness, the Holzerland supplemental declaration pivots to the tenuous claim that the OS FOIA office can and does actually handle CDC FOIA requests because FOIA requests to CDC and other HHS components often “involve” other components, including OS FOIA. Supp. Decl. ¶ 32; *see id.* ¶¶ 33-35. This claim rests on a strained chain of logic that is both hypothetical and contrary to rational FOIA practice.

The chain of logic begins with the allegation that a theoretical requester “could” submit a request for various “public health” topics—including “masking in the respiratory virus context,” COVID-19-vaccine information, “disease surveillance data,” and outbreak data for diseases such as measles and foodborne illnesses—not just to CDC, but also to other HHS components depending on the topic. *Id.* ¶¶ 33-34. But other HHS components cannot and would not be searching for CDC records. It therefore makes no sense for Defendants to claim that an adequate

¹² Actual OS FOIA appeal determinations on CDC FOIAs reinforce this point. They often discuss the work of the CDC FOIA office at length and provide a very short analysis and determination based on review of the administrative record generated by the CDC FOIA office. *See, e.g.*, May 21 Doe Decl., Ex. A.

search of CDC records can be possibly obtained elsewhere. *See also* 45 C.F.R. § 5.25 (laying out how HHS FOIA offices should direct FOIA requests to the proper office, and how “the entity that originated” a particular record “is presumed to be the best entity to make the disclosure determination” regarding it); *id.* § 5.23(a) (directing requesters to submit requests for research data to the HHS component “that made the award under which the data were first produced”). Moreover, the theoretical possibility that a requester could seek certain public health records from multiple HHS components ignores the reality that the most direct and efficient place for someone to obtain these records is from CDC—which is the nation’s leading public health agency and which, prior to April 1, touted its standardized FOIA process to annually handle thousands of requests on public health issues, like measles and foodborne illnesses, that it is responsible for controlling and preventing. *See* Pl.’s Mem. 10; *see also* Griffis Decl. ¶¶ 8-9; Doe Decl. ¶ 3; May 21 Doe Decl. ¶ 11.

Defendants’ chain of logic ends with an equally dubious allegation—that because the CDC FOIA office is theoretically not the only place where a FOIA request that seeks CDC records can be submitted, OS FOIA can and does “field[]” such FOIA requests. Supp. Decl. ¶ 35; *see id.* ¶ 32 (stating that the search and review of FOIA records to fulfill FOIA requests for components like CDC FOIA “involve[s]” other components like OS FOIA). The declaration is devoid of any example where the OS FOIA office itself has actually processed a CDC FOIA request or has done so without any input from or work by staff in the now-shuttered CDC FOIA office. And obviously so, since OS FOIA could not even access CDC systems until weeks ago.

Because Defendants’ initial decision to shut down FOIA compliance at CDC was unreasoned and unreasonable, they have no choice but to resort to such strained post-hoc reasoning. But their supplemental declaration cannot, and does not, paper over the reality that HHS

has no clear ability or intention to properly handle the important work of the CDC FOIA office without its trained staff.

CONCLUSION

For the foregoing reasons, the Court should conclude that the supplemental Holzerland declaration does not provide any additional information demonstrating Defendants' compliance with their basic CDC FOIA obligations. And for the reasons stated in CREW's preliminary injunction briefing and oral argument at the May 13, 2025 hearing, the Court should grant CREW's preliminary injunction motion and order Defendants to grant expedited processing of CREW's FOIA requests, declare Defendants' closure of the CDC FOIA office unlawful, and preliminarily and permanently enjoin Defendants from engaging in unlawful actions that render CDC's FOIA office inoperative.

Respectfully Submitted,

/s/ Kayvan Farchadi

Kayvan Farchadi (D.C. Bar No. 1672753)
Yoseph T. Desta (D.C. Bar No. 90002042)
Alex Goldstein (D.C. Bar No. 90005086)
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, *et al.*,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF PERSON DOE

I, Person Doe, declare as follows:

1. I am an employee of the Centers for Disease Control and Prevention (“CDC”). The statements made in this declaration are based on my personal knowledge

2. I submit this declaration in response to the Court’s May 13, 2025 interest in updated factual information concerning Freedom of Information Act (“FOIA”) compliance at CDC and the Department of Health and Human Services (“HHS”).

3. I am submitting this declaration pseudonymously because I fear retaliation. If the Court requires my name or job position, I would be willing to provide it ex parte and under seal.

4. During my tenure at CDC, I have been required to search for records in response to CDC FOIA requests, including requests that were subsequently appealed to the Office of the Secretary FOIA office (“OS FOIA”). I have witnessed interactions between the OS FOIA and CDC FOIA offices concerning CDC FOIA appeals and am familiar with the OS FOIA process for handling these appeals before the April 1 reductions-in-force that eliminated the CDC FOIA office.

5. I have observed that OS FOIA, despite being the final adjudicator for CDC FOIA

appeals, does not perform its appellate function based on its own understanding of CDC's specific scientific and technical functions, structure and components, or record-keeping systems.

6. Instead, I have observed that OS FOIA relied on the CDC FOIA office for this expertise, and that OS FOIA handled appeals by delegating them to the CDC FOIA office and asking the office to analyze and reconsider its initial decisions and provide memoranda supporting the result of its reconsiderations to OS FOIA. Such memoranda included information needed to adjudicate the appeal, including names and contact information for likely custodians of relevant records. These memoranda were informed by CDC's component-level and subject matter expertise.

7. On information and belief, OS FOIA relied on such memoranda from the CDC FOIA office to perform its appellate function.

8. Moreover, OS FOIA's appellate function simply involved review of the CDC FOIA office's reports and the administrative record of the office's handling of the FOIA request, *i.e.*, the work the CDC FOIA office had independently done to process the request. OS FOIA appellate decisions often involved recapping in detail this prior work carried out by the CDC FOIA office, before concluding with a short decision affirming or reversing the CDC FOIA office decision or closing the appeal. A true and correct copy of a recent OS FOIA appeal decision is attached as Exhibit A.

9. To the best of my knowledge, without input from CDC's FOIA office, OS FOIA staff does not have sufficient expertise or information to adjudicate CDC FOIA appeals.

10. To the best of my knowledge, there are currently no FOIA officers within HHS tasked with or trained on responding to FOIA requests to CDC.

11. To the best of my knowledge, when OS FOIA or other HHS components received FOIA requests that sought CDC-related records, those components routed those requests to the CDC FOIA office. That is because the CDC FOIA office was best positioned in terms of

subject-matter expertise and technical access to locate CDC-specific records on disease outbreaks and other important CDC-related public health issues.

12. Further, on information and belief, FOIA requests are currently not being routed to offices within CDC to collect responsive records.

13. For example, historically a large volume of FOIA requests submitted to CDC sought records in the custody of CDC's Division of Healthcare Quality Promotion (DHQP) within the National Center for Emerging and Zoonotic Infectious Diseases. Until April 1, CDC's FOIA office routed these requests to DHQP to collect responsive records.

14. On information and belief, since April 1, no FOIA requests have been routed to DHQP to collect responsive records.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2025

/s/ Person Doe
Person Doe

Exhibit A



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

September 30, 2024

Appeal No.: 2023-00190-A-PHS
Original Case No: CDC #23-00600-FOIA

Aaron Siri, Esq.
Informed Consent Action Network
c/o Siri & Glimstad LLP
200 Park Ave
17th Floor
New York, NY 10166
Via email: foia@sirillp.com

Dear Mr. Siri,

This responds to your June 8, 2023, Freedom of Information Act (FOIA) appeal from the above captioned FOIA response. On January 25, 2023, you submitted a FOIA request on behalf of the Informed Consent Action Network (ICAN) to the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry (CDC/ATSDR) seeking the following records:

All records, including but not limited to PowerPoint presentations, slides, video or audio recordings, or emails, concerning the presentation given by Elisabeth Wilhelm at the Trusted Media Summit on October 1, 2020, and/or October 2, 2020.

On January 26, 2023, the CDC/ATSDR FOIA Office requested additional information in order to process the request. After communications from Mr. Colin Farnsworth on March 15, 2023, and March 16, 2023, the request was effectively updated to include a search of the following custodians within the prescribed updated time frame:

Elisabeth Wilhelm, Sarah Mbaeyi, Anna Acosta, Janine Cory, Richard Quartarone, Cynthia Jorgensen, Kathleen LaPorte, Aryn Backus, Brooke Aspinwall, Lauren Ann Witbart, Diane J. Brodalski, Jay Dempsey, Carol Y. Crawford, Allison Michelle Fisher, Rosemary Bretthauer-Mueller, and Katherina Grusich.

Between May 1, 2020, to March 1, 2021.

On June 8, 2023, the CDC/ATSDR FOIA Office issued a final response letter, stating that the search for records responsive to the request failed to reveal any documents pertaining to the request.

On June 8, 2023, you filed an administrative appeal regarding the agency's adequacy of the search, stating in relevant part:

Siri 2023-00190-A-PHS

“Wilhelm is listed as a Keynote speaker on the agenda for the APAC Trusted Media Summit 2020. The Agency’s name is listed directly after Ms. Wilhelm’s name on the agenda, indicating that Ms. Wilhelm’s presentation was given in her official capacity as an employee of the Agency. It is likely any presentation given by an Agency employee acting in her official capacity would first need to be approved by the Agency. Therefore, at minimum, the Agency would possess a copy of the presentation and the email correspondence regarding Ms. Wilhelm’s request for the subsequent approval of the presentation.

Furthermore, the agenda for the Summit contains a Vimeo link to a video recording of Ms. Wilhelm’s presentation. Despite recordings being publicly available for the other presentations at the Summit, the video of Ms. Wilhelm’s presentation is listed as private on Vimeo. The presence of this recording confirms that a video of her presentation does in fact exist and that Ms. Wilhelm has access to same. Therefore, it is unclear why this recording was not provided in response to the FOIA Request.”

DISCUSSION

Adequacy of the Search

When a requester challenges the adequacy of an agency's search for records responsive to a FOIA request, the agency must show that it has conducted a search “reasonably calculated to uncover all relevant documents.”¹ The standard of reasonableness that is applied “to agency search procedures does not require absolute exhaustion of the files;”² instead, an agency only needs to show that it made “a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.”³ An agency's inability to locate every single responsive record, however, does not undermine an otherwise reasonable search.⁴ This is because “the adequacy of a FOIA search is generally determined not by the fruits of the search, but by the appropriateness of the methods used to carry out the search.”⁵ Finally, the Freedom of Information Act “does not obligate agencies to create or retain documents; it only obligates them to provide access to those which it in fact has created or retained.”⁶

¹ See *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

² *Miller v. U.S. Dep’t of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); see also *Physicians for Human Rights v. United States DOD*, 778 F. Supp. 2d 28, 32 (D.D.C. 2011).

³ *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995) (quoting *Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)).

⁴ See e.g., *Meerpol v. Meese*, 790 F.2d 942, 952-53 (D.C. Cir. 1986); *Iturralde v. Comptroller of the Currency*, 315 F.3d 311, 315 (D.C. Cir. 2003).

⁵ *Jennings v. U.S. Dep’t of Justice*, 230 Fed. Appx. 1, 1 (D.C. Cir. 2007) (quoting *Iturralde*, 315 F.3d at 315); *Delorme v. Exec. Office for United States Attys.*, No. 12-0535, 2012 LEXIS 163961, at *3-4 (D.D.C. Nov. 16, 2012).

⁶ See *Schoenman v. FBI*, No. 04-2202, 2009 WL 763065, at *17-18 (D.D.C. Mar. 19, 2009) (rejecting plaintiff's request for search slips, created by agency after date-of-search cut-off date, holding that FOIA "does not obligate agencies to create or retain documents; it only obligates them to provide access to those which it in fact has created or retained" (quoting *Schoenman v. FBI*, 573 F. Supp. 2d 119, 140 (D.D.C. 2008))).

Upon receipt, the CDC/ATSDR FOIA Office sent the request for documents to the program office most likely to retain the records, which was the Center for Global Health (CGH)⁷. The CGH informed the CDC/ATSDR FOIA Office that a search was conducted by the Global Immunization Division (GID), which is where Elizabeth Wilhelm worked at the time of the presentation. The files and shared drives were searched, but the program office was unable to locate responsive records. Given that at the time of the request Ms. Wilhelm was no longer with the agency, her records had been disposed of in accordance with the CDC's Digital Service Office policy. The policy states that an employee's email inbox is only available for 90 days after the account has expired. Once the 90 days have passed the data is no longer accessible, therefore no records can be recovered.

The CDC/ATSDR FOIA Office also requested the CDC's information technology (IT) team to run an enterprise search of all Outlook inboxes of the listed custodians but were also unable to locate responsive records because the email inbox becomes inaccessible after 90 days of expiration.

DECISION

I have reviewed the administrative record and concluded that the CDC/ATSDR FOIA Office made a good-faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested. Therefore, I am denying your appeal challenging the adequacy of the CDC/ATSDR FOIA Office's search for records responsive to your request.

CONCLUSION

This letter constitutes the final decision of the Department in this matter. If you wish, you may seek judicial review in the district court of the United States in the district in which you reside, have your principal place of business, in which the agency records are located, or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS via email at ogis@nara.gov.

Sincerely,

William H.

Holzerland -S

William H. Holzerland

Deputy Agency Chief FOIA Officer

Office of the Assistant Secretary for Public Affairs (ASPA)

Department of Health and Human Services (HHS)

Digitally signed by William
H. Holzerland -S
Date: 2024.09.30 17:34:16
-04'00'

⁷ Renamed the Global Health Center (GHC).

Copy to:
CDC/ATSDR FOIA Officer

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, *et. al.*,**

Defendants.

Civil Action No. 25-01020 (TJK)

SUPPLEMENTAL DECLARATION OF ALEX M. GOLDSTEIN

I, ALEX M. GOLDSTEIN, hereby declare as follows:

1. I am Associate Counsel at Citizens for Responsibility and Ethics in Washington (“CREW”) and counsel for CREW in the above-captioned action. I previously submitted a Declaration in this matter on April 21, 2025 (ECF No. 13-3). I make this Supplemental Declaration based on my personal knowledge and through consultation with my colleagues at CREW and review of CREW’s files.

2. In recent months, CREW has submitted four FOIA requests to the HHS Office of the Secretary’s FOIA office (“OS FOIA”). OS FOIA has repeatedly failed to meet its statutory obligations with respect to these requests, both prior to the April 1, 2025 shutdown of CDC’s FOIA office and since then.

3. Since initiating the instant action with respect to five CDC FOIA requests submitted on April 1, CREW has submitted two additional FOIA requests for CDC records.

4. These outstanding OS requests and additional CDC FOIA requests are detailed below.

CREW's OS FOIA Request 1

5. On December 11, 2024, CREW submitted an expedited FOIA request to OS FOIA seeking records related to reductions in force across HHS. Ex. A.

6. On December 11, 2024, OS FOIA responded with an acknowledgement email assigning the request tacking number 2025-01149-FOIA-OS. Ex. B. OS FOIA did not meet its statutory obligation to provide an initial determination within 20 working days. Instead, on February 18, 2025 OS FOIA sent an untimely notice seeking a 10 day extension to respond to CREW's request under 5 U.S.C. § 552(a)(6)(B)(i). Ex. C. The letter stated, "[o]ur current workload is approximately 3000 cases." *Id.*

7. On March 26, 2025, OS denied expedited processing of CREW's expedition request and stated "we are not addressing your request for a fee waiver at this time." Ex. D.

8. CREW has received no further communications from OS FOIA concerning this request.

CREW's OS FOIA Request 2

9. On December 19, 2024, CREW submitted a FOIA request to OS FOIA seeking a range of records related to communications between HHS and the U.S. DOGE Service or so-called Department of Government Efficiency ("DOGE"). Ex. E.

10. CREW did not receive any communication from OS FOIA within FOIA's 20-day statutory deadline to issue an initial determination on this request.

11. On January 30, 2025, CREW sent a follow up email asking for confirmation of receipt of its request. Ex. F.

12. On January 31, 2025, CREW requested expedited processing of this request. Ex. G.

13. On February 7, 2025, OS FOIA sent CREW an acknowledgement letter assigning the request tracking number 2025-01180-FOIA-OS. Ex. H.

14. The letter did not address, and to date OS FOIA has not addressed, CREW's request for expedited processing. *Id.*

15. CREW has received no further communications from OS FOIA concerning this request.

CREW's OS FOIA Request 3

16. On March 27, 2025, following public reporting that Acting Administrator of the DOGE Amy Gleason had been detailed to HHS in 2025, CREW submitted a FOIA request to HHS, seeking records related to her work at HHS. Ex. I.

17. HHS never acknowledged receipt of CREW's request. CREW has received no communications from OS FOIA concerning this request.

CREW's OS FOIA Request 4

18. On May 1, 2025, CREW submitted an expedited FOIA request to OS FOIA seeking information about data sharing between HHS and other federal agencies. Ex. J.

19. OS FOIA never acknowledged receipt of CREW's request and never responded to its request for expedited processing. CREW has received no communications from OS FOIA concerning this request.

Additional Outstanding CDC FOIA Requests

20. On May 21, 2025, CREW submitted two additional FOIA requests for CDC records. CREW followed the current instructions posted on HHS websites, submitting its requests through the HHS FOIA Public Access Link. Exs. K, L. While the HHS FOIA Public Access Link's "Submitting a FOIA Request or Appeal" still directs users to the defunct CDC

FOIA Public Access Link site, Ex. M, CREW opted to submit directly to OS FOIA given Defendants' representations in this litigation.

21. The first request sought records related to the April 1, 2025 Reductions in Force of CDC staff throughout the agency. Ex. K.

22. The second request sought records related to the termination of the Healthcare Infection Control Practices Advisory Committee (HICPAC). Ex. L.

23. These requests add to the significant number of FOIA requests that CREW has submitted to HHS and CDC in recent years. Since 2020, CREW has, excluding the requests identified above and the five giving rise to this litigation,¹ submitted at least 15 requests to OS FOIA and 10 requests to CDC. CREW's primary business imperative is disseminating critical government information to the public in time for it to be useful. To that end, CREW seeks records from CDC when there is a punctuated reason to do so, such as government impropriety related to a health emergency like the COVID-19 pandemic or the current measles epidemic.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 22, 2025



Alex Goldstein

¹ Since CREW submitted those five CDC requests on April 1, public interest and debate on their subjects has only grown. Four of the requests relate in multiple ways to the closure of the CDC FOIA office as part of the DOGE Reduction-in-Force Initiative. Secretary Kennedy has faced extensive questioning on the initiative, and department-wide cuts as part of it, in his three appearances before congressional committees on May 14 and May 20. *See, e.g.,* Megan Lebowitz, *RFK Jr. grilled on health department funding cuts at third congressional hearing*, NBC News (May 21, 2025), <https://www.nbcnews.com/politics/congress/rfk-jr-testify-congress-last-weeks-contentious-hearin-gs-rcna207687>; Berkely Lovelace Jr. & Megan Lebowitz, *RFK Jr. clashes with lawmakers over vaccines and HHS mass layoffs*, NBC News (May 14, 2025), <https://www.nbcnews.com/health/health-news/rfk-jr-measles-vaccine-outbreak-congressional-hearing-rcna206776>.

Exhibit A



December 11, 2024

Department of Health and Human Services
FOIA Officer/Director, Freedom of Information and Privacy Acts Division, Hubert H.
Humphrey Bldg, Suite 729H
200 Independence Avenue, SW
Washington, DC 20201

Re: 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 Department of Health and Human Services ("HHS") regulations. Specifically, CREW requests the following records:

We request copies of all delegations of authority to authorize, approve, or initiate a reduction in force; to implement a reduction in force; to define, establish, or identify one or more competitive areas; or to define, establish, or identify one or more competitive levels.

These records may take the form of agency policies, individual delegations of authority, or other formats.¹ The term "competitive area" has the same meaning applicable to the term "competitive area" in 5 C.F.R. § 351.402. The term "competitive level" has the same meaning applicable to the term "competitive level" in 5 C.F.R. § 351.403.

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

¹ Four examples of such records are: Memorandum from Dep. Sec. of Defense to specified agency managers, *Policy and Procedures for Reductions in Force in the Civilian Workforce* (Jan. 19, 2017), <https://dod.defense.gov/Portals/1/Documents/pubs/OSD000467-17-RES-Final.pdf>; Memorandum for Consulting Servs. Div. from Kimberlyn Bauhs, Director, Workforce Management Office, Nat'l Oceanic and Atmospheric Admin., *Delegation of Authority for Approval of Personnel Management Decisions and Actions* (Jan. 30, 2017), <https://www.noaa.gov/sites/default/files/legacy/document/2020/Mar/tr91.pdf>; U.S. Merit Sys. Prot. Bd., *Organization Functions & Delegations of Authority* (April 2011), [https://www.mspb.gov/foia/files/Organization Functions and Delegations of Authority 1279407.pdf](https://www.mspb.gov/foia/files/Organization%20Functions%20and%20Delegations%20of%20Authority%201279407.pdf); Memorandum from Acting Assoc. Dir., Off. of Hum. Res., Indian Health Serv., *Personnel Delegation No. 44, Delegation of Authority for Approval of Reduction in Force, Furlough, and Changes to Competitive Areas* (Feb. 13, 1996), <https://www.ihs.gov/ihtm/doa/pers/pers-44d/>.

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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.

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).

In October 2020, Donald Trump issued an Executive Order (EO)² that would have upended the federal government ranks through a new job classification, Schedule F. While President Biden rescinded this EO when he entered office, had it remained, it would have stripped tens of thousands of federal workers of most merit-based civil service protections, including the protection against being fired based on political alignment.³ In his current campaign for office, Trump is pushing for the return of schedule F to “demolish the deep state” by getting rid of thousands of career federal government workers.⁴ In place of expert career civil servants, federal agencies could be filled with unqualified party loyalists who could harm the lives of Americans by giving individuals without any technical expertise the

² Exec. Order No. 13957, C.F.R. 298, (2020),

<https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-creating-schedule-f-excepted-service/>.

³ Gabe Lezra & Diamond Brown, *FAQ: The conservative attack on the merit-based civil service*, Citizens for Responsibility and Ethics in Washington (CREW), Jan. 25, 2024,

<https://www.citizensforethics.org/news/analysis/faq-the-conservative-attack-on-the-merit-based-civil-service/> [hereinafter FAQ].

⁴ Erich Wagner, *Employee groups laud Biden's anti-Schedule F regulations*, Government Executive, Apr. 5, 2024, <https://www.govexec.com/workforce/2024/04/employee-groups-laud-bidens-anti-schedule-f-regulations/395530/>.

December 11, 2024

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power to craft policy that could have life or death implications.⁵ Critics of Schedule F also fear that it could lead to mass firings within agencies.⁶ It is crucial for the public to have information about the delegated authority to initiate or implement a reduction in force (i.e., firings), especially in the scenario that Schedule F becomes law.

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 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.

Expedited Processing Request

CREW requests expedited processing of this FOIA request, see 28 C.F.R. § 16.5(e)(2) ("A request for expedited processing may be made at any time."). CREW is entitled to expedited processing because (1) there is an "urgency to inform the public about an actual or alleged federal government activity," and CREW "is primarily engaged in disseminating information," 28 C.F.R. § 16.5(e)(1)(ii); and (2) the requested records involve a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence," *id.* § 16.5(e)(1)(iv).

- (1) The recent re-election of Donald Trump as the next President of the United

⁵ FAQ, *supra* note 2.

⁶ National Treasury Employees Union (NTEU), *OPM Establishes Safeguards Against Schedule*, NTEU, Apr. 4, 2024, <https://www.nteu.org/media-center/news-releases/2024/04/04/opmregsskedf>.

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States raises an “urgency to inform the public about an actual or alleged federal government activity” before he is inaugurated. It has been extensively reported that president-elect Trump intends to reinstate an Executive Order, known as Schedule F, meant to “demolish the deep state” by getting rid of thousands of career federal government workers by reclassifying their employment in order to replace expert career civil servants within federal agencies with party loyalists.⁷ As CREW noted in its FOIA request, “It is crucial for the public to have information about the delegated authority to initiate or implement a reduction in force...especially in the scenario that Schedule F becomes law.” The public interest in the requested records has grown exponentially in light of Trump’s re-election. The public has a particular urgency to be informed about federal agency reduction in force policies currently in place before Trump is inaugurated. Such information is urgently needed for the public to better understand the substantial impact the implementation of Schedule F would have on tens of thousands of federal workers who would likely be stripped of most merit-based civil service protections, including the protection against being fired based on political alignment.⁸

Further, “[t]he existence of numerous articles published” regarding Schedule F, including numerous ones published after Trump won re-election, establishes that there is an “urgency to inform” the public on the topic.⁹ 28 C.F.R. § 16.5(e)(3).

CREW is “primarily engaged in disseminating 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.

- (2) Whether or not president-elect Trump reinstates the Executive Order establishing Schedule F is a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” CREW’s FOIA request included news

⁷ Bob Ortega, Kyung Lah, Allison Gordon, and Nelli Black, *What Trump’s war on the ‘Deep State’ could mean: ‘An army of suck-ups’*, CNN, Apr. 27, 2024,

<https://www.cnn.com/2024/04/27/politics/trump-federal-workers-2nd-term-invs/index.html>.

⁸ Gabe Lezra & Diamond Brown, FAQ: The conservative attack on the merit-based civil service, Citizens for Responsibility and Ethics in Washington (CREW), Jan. 25, 2024,

<https://www.citizensforethics.org/news/analysis/faq-the-conservative-attack-on-the-merit-based-civil-service/> [hereinafter FAQ].

⁹ See *infra* note 4-5.

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reports analyzing the various anti-Schedule F regulations put into place by the Biden administration.¹⁰ There have been numerous more news reports concerning Schedule F and what its implementation would mean for the more than two million federal civil service members which raises substantial “possible questions about the government’s integrity that affect public confidence.”¹¹

The undersigned certifies that the above statement is true and correct.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [REDACTED] and [REDACTED] or call me at [REDACTED]. 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 [REDACTED] and [REDACTED] or by mail to [REDACTED] Citizens for Responsibility and Ethics in Washington, [REDACTED].

Sincerely,

[REDACTED]
[REDACTED]
Research Associate

¹⁰ See, e.g., Erich Wagner, *Employee groups laud Biden’s anti-Schedule F regulations*, Government Executive, Apr. 5, 2024, <https://www.govexec.com/workforce/2024/04/employee-groups-laud-bidens-anti-schedule-f-regulations/395530/>; National Treasury Employees Union (NTEU), *OPM Establishes Safeguards Against Schedule F*, NTEU, Apr. 4, 2024, <https://www.nteu.org/media-center/news-releases/2024/04/04/opmregsskedf>.

¹¹ See, e.g., Ella Nilsen, Rene Marsh, Gabe Cohen, and Tami Luhby, ‘Feeling of dread’ spreads across federal workforce as second Trump term looms, CNN, Nov. 10, 2024, <https://www.cnn.com/2024/11/10/politics/federal-workforce-second-trump-term-schedule-f/index.html>; Carolina Nihill, *Senate Republican’s DOGE Acts would codify Schedule F, freeze federal hiring and salaries*, FedScoop, Dec. 6, 2024, <https://fedscoop.com/marsha-blackburn-doge-acts-schedule-f-freeze-federal-hiring-salaries/>; Katelyn Murray, *Understanding Trump’s Schedule F Proposal: What It Means for Federal Government Employees and Retirees*, Serving Those Who Serve, Dec. 2, 2024, <https://stwserve.com/understanding-trumps-schedule-f-proposal-what-it-means-for-federal-government-employees-and-retirees/>.

Exhibit B



Fwd: Request Acknowledgement by U.S. Department of Health & Human Services- RIF FOIA Request [Schedule F II]

to: [REDACTED]

Wed, Dec 11, 2024 at 3:01 PM



[REDACTED] (she/hers)
Research Associate | Citizens for Responsibility and Ethics in Washington
Office: [REDACTED]
[REDACTED] | www.citizensforethics.org

----- Forwarded message -----

From: <foiarequest@hhs.gov>

Date: Wed, Dec 11, 2024 at 12:23 PM

Subject: Request Acknowledgement by U.S. Department of Health & Human Services

To: [REDACTED]

Dear [REDACTED],

Request #2025-01149-FOIA-OS has been assigned to the request you submitted. In all future correspondence regarding this request please reference request #2025-01149-FOIA-OS.

Regards,
U.S. Department of Health & Human Services

Exhibit C



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

HHS Case No: 2025-01149-FOIA-OS

February 18, 2025

Sent via email:

[REDACTED]

CREW

[REDACTED]

Dear [REDACTED]:

This acknowledges receipt of your December 11, 2024, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning "*All delegations of authority to authorize, approve, or initiate a reduction in force; to implement a reduction in force; to define, establish, or identify one or more competitive areas; or to define, establish, or identify one or more competitive levels.*". We received your request on December 11, 2024.

Because you seek records which require a search in another office, "unusual circumstances" apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the HHS FOIA office via email at foiarequest@hhs.gov.

If you are not satisfied with any aspect of the processing and handling of this request, you have

the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
Telephone: (202) 690-7453
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL - <https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Arianne Perkins', with a stylized, flowing script.

Arianne Perkins
Director, Initial FOIA Requests
FOI/Privacy Acts Division

Exhibit D



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201**HHS Case No. 2025-01149-FOIA-OS****March 26, 2025*****Sent via email:***

[REDACTED]

CREW

[REDACTED]

Dear [REDACTED]:

This is an interim response to your December 11, 2024, Freedom of Information Act (FOIA) request. You requested the following: (...copies of all delegations of authority to authorize, approve, or initiate a reduction in force; to implement a reduction in force; to define, establish, or identify one or more competitive areas; or to define, establish, or identify one or more competitive levels.)

I have determined your request for expedited processing does not meet the requirements under the FOIA and HHS implementing regulations and cannot be granted. The FOIA requires an agency expedite processing of a request only when the requester demonstrates a “compelling need.”

Our review indicates you have not clearly demonstrated a “compelling need,” because you have not clearly articulated an imminent threat to the life or physical safety of an individual; and you also have not demonstrated that there is an “urgency to inform the public concerning actual or alleged Federal activity” through a request by one primarily engaged in disseminating information to the public.

The law authorizes us to collect fees for responding to FOIA requests. However, because we are uncertain that applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. Nevertheless, if we determine there will be fees associated with processing your request, we will contact you at that time.

If you are not satisfied with my action on this request, you may administratively appeal this denial of expedited processing. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Please mark the correspondence, “Freedom of Information Act Appeal.” Your appeal must be transmitted within 90 days from the date of receipt of this letter to:

William Holzerland
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
HHS.ACFO@hhs.gov

If you choose to mail your appeal, please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” The mailing address is: Room 729H, 200 Independence Avenue, SW, Washington, DC 20201. Please note the entire office is working remotely and appeals sent by mail may receive delayed receipt dates.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

HHS FOIA/PA Public Liaison
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
200 Independence Avenue, SW, Suite 729H
Washington, DC 20201

Telephone: (202) 690-7453
Fax: (202) 690-8320
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001

Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

Sincerely yours,

Natasha Taylor for

Arianne Perkins
Director, Initial FOIA Requests
FOI/Privacy Acts Division

Exhibit E



December 19, 2024

U.S. Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue SW
Washington, DC 20201

Re: 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 Department of Health and Human Services ("HHS") regulations. Specifically, CREW requests the following records from November 5, 2024, to the date this request is processed:

- 1) **Any and all communications between employees of HHS and Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.**
- 2) **Any and all communications between employees of HHS and any other individual purporting to represent, work for, or communicate on behalf of Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.**
- 3) **Any and all communications between employees of HHS and any other individual purporting to have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency ("DOGE").**
- 4) **Any and all communications between employees of HHS and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency ("DOGE").**
- 5) **Any and all communications between employees of HHS and any other individual purporting to have an association with, represent, work for, or communicate on behalf of "Delivering Outstanding Government Efficiency Caucus," "DOGE Caucus," and related terms.**
- 6) **Any and all communications between employees of HHS and Senator Joni Ernst, Congresswoman Marjorie Taylor Greene, or their offices between November 5, 2024 and the present regarding DOGE, HHS's organizational structure, staffing, or expenditures or the efficiency of any of its programs, functions, or operations.**
- 7) **Any and all communications between employees of HHS and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of "Delivering Outstanding Government Efficiency Caucus," "DOGE Caucus," and related terms.**

8) Any and all records within HHS regarding “Department of Government Efficiency,” “DOGE,” “Government Efficiency Commission,” “Delivering Outstanding Government Efficiency Caucus,” or “DOGE Caucus.”

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.

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 the “Department of Government Efficiency” (“DOGE”).¹ 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.”² Musk and Ramaswamy explained their vision for DOGE in a piece that they published in the Wall Street

¹ @realDonaldTrump, X (Nov. 13, 2024) <https://x.com/realDonaldTrump/status/1856658569124262092>

² *Id.*

Journal.³ While it remains unclear how DOGE is or will be constituted, how it is or will be funded, whether it will be an official governmental body, and in which branch of government it may sit, statements by Musk and Ramaswamy, as well as social media accounts purporting to belong to DOGE, indicate that they and others have already begun to undertake work on its behalf.⁴

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 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 [REDACTED] or call [REDACTED]. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

³ 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.

⁴ 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/>.

Where possible, please produce records in electronic format. Please send the requested records to [REDACTED] or by mail to CREW Staff, Citizens for Responsibility and Ethics in Washington, [REDACTED].

Sincerely,

Citizens for Responsibility and Ethics in
Washington (CREW)

Exhibit F



HHS FOIA Request

Alex Goldstein <[REDACTED]>

Thu, Jan 30, 2025 at 2:15 PM

To: FOIARequest@hhs.gov

Cc: [REDACTED], [REDACTED]

Hello,

I am following up on the above request. Please confirm receipt of this request at your earliest convenience.

Thank you,
Alex Goldstein

On Thu, Dec 19, 2024 at 10:39 AM Alex Goldstein [REDACTED] wrote:

Hello,

Please find my FOIA request, attached.

Thank you,
Alex Goldstein

--



Alex Goldstein (he/him/his)

Associate Counsel | Citizens for Responsibility and Ethics in Washington

Office: [REDACTED]

| www.citizensforethics.org

Exhibit G



January 31, 2025

U.S. Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue SW
Washington, DC 20201

Re: Expedited Processing Request for FOIA Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for expedited processing of CREW's FOIA request, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of Health and Human Services ("HHS") regulations.

On December 19, 2025, CREW requested, from November 5, 2024 to the date the request is processed:

- 1) Any and all communications between employees of HHS and Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.
- 2) Any and all communications between employees of HHS and any other individual purporting to represent, work for, or communicate on behalf of Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.
- 3) Any and all communications between employees of HHS and any other individual purporting to have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency ("DOGE").
- 4) Any and all communications between employees of HHS and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency ("DOGE").
- 5) Any and all communications between employees of HHS and any other individual purporting to have an association with, represent, work for, or communicate on behalf of "Delivering Outstanding Government Efficiency Caucus," "DOGE Caucus," and related terms.
- 6) Any and all communications between employees of HHS and Senator Joni Ernst, Congresswoman Marjorie Taylor Greene, or their offices between November 5, 2024 and the present regarding DOGE, HHS's organizational structure, staffing, or expenditures or the efficiency of any of its programs, functions, or operations.
- 7) Any and all communications between employees of HHS and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of "Delivering Outstanding Government Efficiency Caucus," "DOGE Caucus," and related terms.

- 8) Any and all records within HHS regarding “Department of Government Efficiency,” “DOGE,” “Government Efficiency Commission,” “Delivering Outstanding Government Efficiency Caucus,” or “DOGE Caucus.”

CREW did not submit a request for expedited processing. As of submission of this expedited processing request, HHS has not acknowledged CREW’s initial FOIA request.

CREW now requests expedited processing of the FOIA request pursuant to FOIA, 5 U.S.C. § 552 and 45 C.F.R. § 5.27; *see also* 45 C.F.R. § 5.27(a) (“You may request expedited processing when you first request records or at any time during our processing of your request or appeal.”). CREW is entitled to expedited processing because “[t]here is an urgency to inform the public about an actual or alleged Federal Government activity,” 45 C.F.R. § 5.27(b)(2), and CREW is “primarily engaged in disseminating information to the public.” *Id.*

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.¹

On November 13, 2024, then President-elect Trump announced the formation of DOGE.² 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.”³ 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

¹ *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 Jan. 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”).

² @realDonaldTrump, X (Nov. 13, 2024), <https://x.com/realDonaldTrump/status/1856658569124262092>.

³ *Id.*

and Budget.⁴ 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.⁵

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”).⁶ 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.”⁷

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.”⁸ The third executive 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

⁴ 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.

⁵ 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/>.

⁶ 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/>.

⁷ *Id.*

⁸ 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/>.

“submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition.”⁹

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,¹⁰ eliminate civil service protections from large numbers of public employees,¹¹ eliminate protections from discrimination in the federal workforce,¹² create a plan to permanently reduce the federal workforce,¹³ and ordered federal diversity, equity, and inclusion on leave.¹⁴ 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.¹⁵

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

⁹ Exec. Order, *Hiring Freeze* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

¹⁰ *Id.*

¹¹ 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/>.

¹² 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/>.

¹³ *Reforming Federal Hiring*, supra note 8. <https://www.whitehouse.gov/presidential-actions/2025/01/reforming-the-federal-hiring-process-and-restoring-merit-to-government-service/>.

¹⁴ 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>.

¹⁵ 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/>.

systems, ensure data integrity, and facilitate responsible data collection and synchronization.”¹⁶ 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.¹⁷

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 affect not only 3 million federal employees, but the untold number of American citizens who are impacted by their work. *See* 45 C.F.R. § 5.27(b)(2).

The undersigned certifies that the representations in this expedited processing request are true and correct to the best of his knowledge and belief.

¹⁶ *Establishing DOGE*, *supra* note 6.

¹⁷ 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/>; *see also* @DOGE, X (Jan. 28, 2025), <https://x.com/DOGE/status/1884245022041858392> (indicating the Department of Government Efficiency had worked with the Trump Administration and Department of Interior’s Bureau of Reclamation to pump water to Southern California); @DOGE, X (Jan. 3, 2025), <https://x.com/DOGE/status/1884396041786524032> (alleging the Department of Government Efficiency is saving the government money by “stopping the hiring of people into unnecessary positions, deletion of DEI and stopping improper payments to foreign organizations”).

Conclusion

If you have any questions about this request, please email [REDACTED] or call [REDACTED]. Also, if CREW's request for expedited processing is denied, please contact our office immediately upon making such a determination.

Sincerely,

Alex Goldstein

Alex Goldstein
Associate Counsel
Citizens for Responsibility and Ethics in
Washington (CREW)

Exhibit H



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

HHS Case No: 2025-01180-FOIA-OS

February 7, 2025

*Sent via email:*Alex Goldstein
[REDACTED]

Dear Alex Goldstein:

This acknowledges receipt of your December 19, 2024, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning

- “1) Any and all communications between employees of HHS and Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.*
- 2) Any and all communications between employees of HHS and any other individual purporting to represent, work for, or communicate on behalf of Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.*
- 3) Any and all communications between employees of HHS and any other individual purporting to have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency (“DOGE”).*
- 4) Any and all communications between employees of HHS and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency (“DOGE”).*
- 5) Any and all communications between employees of HHS and any other individual purporting to have an association with, represent, work for, or communicate on behalf of “Delivering Outstanding Government Efficiency Caucus,” “DOGE Caucus,” and related terms.*
- 6) Any and all communications between employees of HHS and Senator Joni Ernst, Congresswoman Marjorie Taylor Greene, or their offices between November 5, 2024 and the present regarding DOGE, HHS’s organizational structure, staffing, or expenditures or the efficiency of any of its programs, functions, or operations.*
- 7) Any and all communications between employees of HHS and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of “Delivering Outstanding Government Efficiency Caucus,” “DOGE Caucus,” and related terms.*
- 8) Any and all records within HHS regarding “Department of Government Efficiency,” “DOGE,” “Government Efficiency Commission,” “Delivering Outstanding Government Efficiency Caucus,” or “DOGE Caucus.”* We received your request on December 19, 2024.

Because you seek records which require a search in another office, “unusual circumstances” apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next

paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the HHS FOIA office via email at foiarequest@hhs.gov.

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison
FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
Telephone: (202) 690-7453
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL - <https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

A handwritten signature in blue ink, appearing to read "Arianne Perkins", is centered on the page.

Arianne Perkins
Director, Initial FOIA Requests
FOI/Privacy Acts Division

Exhibit I



March 27, 2025

U.S. Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue SW
Washington, DC 20201

Re: 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 Department of Health and Human Services ("HHS") regulations. Specifically, CREW requests:

- **From November 6, 2024 to the date that this request is processed:**
 1. **Any and all documents or communications related or referring to Amy Gleason's "detail," "commission," "transition," "onboarding," "responsibilities," or "employment" at HHS.**
 2. **Documents that outline the scope of Amy Gleason's job description and expectations, including but not limited to, organization charts or performance review templates.**
 3. **Communications specifying performance or role expectations for Amy Gleason, both as a detailee and an employee.**
 4. **Records sufficient to show the scope of Amy Gleason's work at HHS, both as a detailee and an employee, including but not limited to how much time she is expected to commit to working for HHS on a weekly basis.**
 5. **Any and all documents that relate or refer to the United States DOGE Service ("USDS") Administrator or Acting Administrator.**
 6. **Any memoranda, directives, and policies describing or relating to engagement, relations, or work between HHS and the Department of Government Efficiency ("DOGE"), the USDS, the USDS Temporary Organization, or the United States Digital Service.**

7. **Any and all communications between Amy Gleason and any individual associated with or purporting to have an association with, work for, or communicate on behalf of DOGE, the USDS, the USDS Temporary Organization, or the United States Digital Service.**
8. **Any and all communications to or from Amy Gleason that mention or refer to DOGE, the USDS, the USDS Temporary Organization, or the United States Digital Service.**

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

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 agencywide 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 HHS regulations, 45 C.F.R. § 5.27(b). CREW is entitled to expedited processing because “[t]here is an urgent need to inform the public about an actual or alleged Federal Government activity,” and CREW is “primarily engaged in disseminating information to the public.” 45 C.F.R. § 5.27(b)(2).

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.¹

On March 17, 2025, the United States District Court for the District of Columbia denied the government's attempt to file under seal documents that included an affidavit disclosing that Amy Gleason, the current Acting Administrator of USDS, had been detailed to HHS last month.² The government's filing was submitted to demonstrate that individuals "previously working at [] agencies through a detail from USDS to the agency; are all now direct employees of the agency, in addition to being employees of USDS."³ The revelation that this delegation of employees included Gleason, who had, days before, attested to serving as "a full-time, government employee at USDS," has immediately generated an "urgent need to inform the public" about the dual role of a federal employee who allegedly exercises significant decisionmaking authority over an agency that has already sought to reshape government while working in an expert/consultant capacity at HHS. 45 C.F.R. § 5.27(b)(2).⁴ In declining to shield the court filings from the public, the court recognized that "the Trump Administration [had] acknowledged that Amy Gleason is the Acting Administrator of USDS."⁵ Gleason's role as the Acting Administrator of USDS is of critical public importance, and the revelation that she is currently serving in another government role urgently demands insight into the nature of that position.

In addition to independently illuminating the scope of Gleason's work at HHS, the requested documents would have important ramifications for public insight into who exercises authority over USDS's efforts to reshape government. Shortly after his inauguration on January 20, 2025, President Trump signed Executive Order 14158, Establishing and Implementing the President's "Department of Government Efficiency" ("USDS EO").⁶ The USDS EO renamed the United States Digital Service as the United States DOGE Service and reorganized it within the Executive Office of the President. The USDS EO established the role of the U.S. DOGE Service Administrator (the "USDS Administrator") in

¹ 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. 19, 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-bi-g-oil> (referring to CREW as "Top US ethics watchdog").

² *AFLCIO V. Department of Labor*, 1:25-cv-00339, ECF no. 59 (Mar. 17, 2025).

³ *AFLCIO V. Department of Labor*, 1:25-cv-00339, ECF no. 51-1 at 8 (Mar. 11, 2025).

⁴ *CREW v. U.S. DOGE Service*, 1:25-cv-00511-CRC, ECF No. 20-2 (Mar. 14, 2025) ("Gleason Decl. 1"); See Chris Megerian, *A single day of Trump and Musk's cost-cutting campaign remakes huge sections of government*, Mar. 7, 2025, <https://apnews.com/article/donald-trump-elon-musk-doge-c4c8e4f4766dee7dfff4d24161e0cf3f>.

⁵ *AFLCIO V. Department of Labor*, 1:25-cv-00339, ECF no. 59 at 4 (Mar. 17, 2025).

⁶ Exec. Order No. 14158, 90 Fed. Reg. 8441 (Jan. 29, 2025).

the Executive Office of the President, reporting to the White House Chief of Staff. For more than a month, the Trump administration did not publicly disclose who the USDS Administrator was, even when asked to do so in federal court.⁷ Finally, on February 25, 2025, the White House told reporters that Amy Gleason, who previously worked for the U.S. Digital Service during the first Trump administration, was the acting USDS Administrator.⁸ Despite the February 25 announcement of Gleason's role at USDS, President Trump subsequently invited Elon Musk to speak about DOGE's activities at a Cabinet meeting and described him during an address to Congress as the "head" of DOGE.⁹ Even as the president continued to publicly identify and treat Musk as the leader of DOGE, the administration had repeatedly pointed to Gleason as the leader of DOGE in statements to courts.

After Gleason was publicly identified as the acting USDS administrator on February 25, 2025, she submitted a sworn declaration attesting that she is "currently" serving as the acting USDS Administrator, and was "a full-time, government employee at USDS" on March 14, 2025.¹⁰ This declaration failed to assuage public uncertainty about Gleason's role, particularly in light of the new information in court documents divulging that she has simultaneously been working at HHS since February and was formally hired by the department as a "consultant/expert" on March 4, 2025.¹¹

Furthermore, Gleason's description of her time commitment to USDS appears to have changed in response to the court revelations about her work at HHS. On March 14, 2025, Ms. Gleason stated in a declaration, "I am a full-time, government employee at USDS,"

⁷ Makena Kelly, *Not Even DOGE Employees Know Who's Legally Running DOGE*, Wired (Feb. 18, 2025), <https://www.wired.com/story/doge-elon-musk-leadership-administrator/>; Anna Bower, *Who Is Running the U.S. DOGE Service?*, Lawfare (Feb. 25, 2025), <https://www.lawfaremedia.org/article/who-is-running-the-u.s.-doge-service>.

⁸ Ryan J. Foley, *Who is Amy Gleason, the person named DOGE's acting administrator by the White House?*, Associated Press (Feb. 25, 2025), <https://apnews.com/article/doge-acting-administrator-amy-gleason-65af638e646fdd5dd6d5fcc5cc04a2e7>.

⁹ Christopher Bing, Avi Asher-Schapiro and Annie Waldman, *Who's Running the DOGE Wrecking Machine: The World's Richest Man or a Little-Known Bureaucrat?*, ProPublica (Mar. 14, 2025), <https://www.propublica.org/article/doge-leadership-elon-musk-amy-gleason-trump-ethics-conflict-of-interest>; Elon Musk Remarks on DOGE Cuts at Cabinet Meeting, C-Span (Feb. 26, 2025), <https://www.c-span.org/clip/white-house-event/elon-musk-remarks-on-doge-cuts-at-cabinet-meeting/5154959>; Chris Megerian, *A single day of Trump and Musk's cost-cutting campaign remakes huge sections of government*, Mar. 7, 2025, <https://apnews.com/article/donald-trump-elon-musk-doge-c4c8e4f4766dee7dfff4d24161e0cf3f>. See also Ryan Mac, Kate Conger, and Theodore Schleifer, *Meet Elon Musk's Top Lieutenant Who Oversees DOGE*, N.Y. Times (Mar. 20, 2025), <https://www.nytimes.com/2025/03/20/technology/elon-musk-steve-davis-doge.html> ("Those actions demonstrate how [Steve] Davis, 45, has effectively become the day-to-day leader of DOGE. He has more power than Amy Gleason, the Trump administration's acting DOGE administrator, two people close to the effort said, adding that Ms. Gleason has sometimes been in the dark about Mr. Davis's decisions.").

¹⁰ Gleason Decl. 1.

¹¹ See Gleason Decl. 1; See *CREW v. U.S. DOGE Service*, 1:25-cv-00511-CRC, ECF No. 24-2 (Mar. 19, 2025) ("Gleason Decl. 2"); Kyle Cheney and Megan Messerly, *The person the White House says is leading DOGE has also been working at HHS*, Politico (Mar. 18, 2025), <https://www.politico.com/news/2025/03/18/doge-leader-human-services-gleason-00237827>.

while in a March 19, 2025 declaration, Ms. Gleason only stated, “I am a full-time, government employee” without any specific reference to USDS.¹² Whether and to what extent Gleason is working at HHS, and by extension her operating in the potentially competing capacity of USDS administrator is critically important to the public’s understanding of the USDS’s structure, objectives, and daily operation.

Under these circumstances, “[t]here is an urgent need to inform the public about an actual or alleged Federal Government activity,” about which this request seeks information, namely the previous and current role of Gleason at HHS. 45 C.F.R. § 5.27(b)(2). This request seeks information that, through understanding Gleason’s role at HHS, directly sheds light on both the operations and staffing of HHS, and the current operations and leadership at USDS, the reorganization of which could urgently affect not only 3 million federal employees, but the untold number of American citizens who are impacted by their work.

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.

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).

As discussed in the request for expedited processing above, the requested information is of urgent and critical public interest. The requested records are likely to contribute to greater public understanding of Gleason’s work at HHS and how that work impacts, is driven by, or conflicts with the operations of DOGE. Such insight is critically important to the public’s understanding of its government, especially in light of DOGE exercising authority across the federal government in an “unprecedented” manner.¹³ Additionally, the records will likely increase public knowledge and provide clarity about DOGE’s leadership, which has officially been attributed to Gleason despite extensive public indications that other individuals are leading its efforts as well as the agency’s relationship to other federal agencies.¹⁴

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

¹² Gleason Decl. 1; Gleason Decl. 2.

¹³ Josh Gerstein and Kyle Cheney, *Judge orders urgent release of DOGE records, citing ‘unprecedented’ power and ‘unusual secrecy’*, Politico, Mar. 10, 2025, <https://www.politico.com/news/2025/03/10/judge-orders-doge-record-release-00223151>.

¹⁴ Zach Montague, *What Is DOGE? Trump Says One Thing, Government Lawyers Say Another*, N.Y. Times, Mar. 22, 2025, <https://www.nytimes.com/2025/03/22/us/politics/what-is-doge-elon-musk-trump.html>.

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 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.

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 me [REDACTED] or call [REDACTED]. 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 [REDACTED] or by mail to CREW Staff, Citizens for Responsibility and Ethics in Washington, [REDACTED].

Sincerely,

Alex Goldstein

Alex Goldstein
Citizens for Responsibility and Ethics in
Washington

Exhibit J



May 1, 2025

Department of Health and Human Services
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Re: Expedited Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

Specifically, CREW requests the following records from January 20, 2025, to the date this request is processed:

1. All matching agreements that Department of Health and Human Services (HHS) entered into pursuant to 5 U.S.C. § 552a(o).
2. All records that mention, reference, or relate to the accounting of disclosures by HHS pursuant to 5 U.S.C. § 552a(c).

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.

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 March 20, President Trump issued Executive Order 14243, “Stopping Waste, Fraud, and Abuse by Eliminating Information Silos,” directing the consolidation of data across federal agencies. 90 FR 13681 (Mar. 20, 2025). Public reporting suggests that “DOGE is knitting together immigration databases from across DHS and uploading data from outside agencies including the Social Security Administration.”¹ Rep. Gerry Connolly “sent a letter to the SSA office of the inspector general stating that representatives have spoken with an agency whistleblower who has warned them that DOGE was building a ‘master database’ containing SSA, IRS, and HHS data.”² In addition, the DOJ has reportedly shared access to sensitive immigration case data with DOGE,³ and made at least one arrest noting that DOGE assisted in the investigation.⁴

The Privacy Act requires that agencies both accurately document disclosures of systems of record, 5 U.S.C. § 552a(c), and enter into written agreements before disclosing information in systems of record with other agencies, 5 U.S.C. § 552a(o). In view of the reporting of massive databases being built, the public has a right to know whether and to what extent said agencies are complying with federal law.

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.

¹ Makena Kelly & Vittoria Elliott, *DOGE Is Building a Master Database to Surveil and Track Immigrants*, Wired (Apr. 18, 2025), <https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/>.

² *Id.*

³ Hannah Natanson, Jeremy Roebuck, & Rachel Siegel, *Justice Dept. agrees to let DOGE access sensitive immigration case data*, Wash. Post (Apr. 21, 2025), <https://www.washingtonpost.com/immigration/2025/04/21/doge-ecas-justice-immigration-courts-trump/>.

⁴ Press Release, U.S. Attorney's Office, Northern District of New York, *Iraqi Man Charged with Illegal Voting by an Alien* (Apr. 28, 2025), <https://www.justice.gov/usao-ndny/pr/iraqi-man-charged-illegal-voting-alien>.

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.

Expedited Processing Request

CREW is entitled to expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity," and CREW "is primarily engaged in disseminating information," 5 U.S.C. § 552(6)(E)(v)(II).

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.⁵

The facts demonstrate that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001). The ruling in *Citizens for Responsibility*

⁵ 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 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-bi-g-oil> (referring to CREW as "Top US ethics watchdog").

and Ethics in Washington v. U.S. DOGE Service, No. 25-cv-511, 2025 WL 752367 (D.D.C. Mar. 10, 2025) (*CREW v. DOGE*) confirms that conclusion.

First, the requested records concern a matter of current exigency to the American public insofar as they are “the subject of a currently unfolding story” about DOGE’s operation and data practices by agencies such as DHS, SSA, and IRS reportedly cooperating with DOGE. Public reporting suggests that “DOGE is knitting together immigration databases from across DHS and uploading data from outside agencies including the Social Security Administration.”⁶ Rep. Gerry Connelly “sent a letter to the SSA office of the inspector general stating that representatives have spoken with an agency whistleblower who has warned them that DOGE was building a ‘master database’ containing SSA, IRS, and HHS data.”⁷ In addition, the DOJ has reportedly shared access to sensitive immigration case data with DOGE,⁸ and made at least one arrest noting that DOGE assisted in the investigation.⁹ The “widespread media attention” suggests a matter of urgency, both to

⁶ See Kelly & Elliott, *supra* note 1.

⁷ *Id.*

⁸ See Natanson et al., *supra* note 3.

⁹ See *supra* note 4.

understand DOGE and its access to personal data of Americans,¹⁰ and to understand how

¹⁰ 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/>; 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), <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-08eb241fc60807b5e1c7b35fcd4ee245>; 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/>; 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=PvP0I8mX>; 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-35101dee28a76>

agencies such as SSA, IRS, and HHS are complying with their legal duties in light of DOGE's involvement in allegedly creating a master database.¹¹ That is particularly true regarding agency compliance with the Privacy Act, the "primary purpose" of which is "the protection of individual privacy by controlling the collection, management, and dissemination of individually identifiable records." *Greentree v. U.S. Customs Serv.*, 674 F.2d 74, 84 (D.C. Cir. 1982).

Second, Congress and the American public needs information about the accounting of disclosure in order to understand whether the agencies are complying with the law in managing systems of records containing Americans' private information, especially in light of DOGE's involvement. "If production of [DOGE] records is substantially delayed, the public and Congress will be 'precluded . . . from obtaining in a timely fashion information vital to the current and ongoing debate surrounding the legality of' a high-profile government action." *CREW v. DOGE*, 2025 WL 752367, at *13 (citations omitted). "The electorate also requires the expeditious production and publication of this information. Voters may seek to influence congressional representatives to take action responsive to [DOGE] at any point along the road. And '[t]he dissemination of information' sought by CREW would contribute 'to an informed electorate capable of developing knowledgeable opinions and sharing those knowledgeable opinions with their elected leaders.' But the information will only be useful to the electorate so long as [DOGE] remains a topic of current national importance.

[6e0d9705e0d47958611](#).

¹¹ See Kelly & Elliott, *supra* note 1; Emily Badger & Sheera Frenkel, *Trump Wants to Merge Government Data. Here Are 314 Things It Might Know About You*, N.Y. Times (Apr. 9, 2025), <https://www.nytimes.com/2025/04/09/us/politics/trump-musk-data-access.html>; Shane Tews, *The Dangerous Road to a "Master File"—Why Linking Government Databases Is a Terrible Idea*, Am. Enter. Inst. (Apr. 18, 2025), <https://www.aei.org/technology-and-innovation/the-dangerous-road-to-a-master-file-why-linking-government-databases-is-a-terrible-idea/>; Steven Levy, President Trump's War on 'Information Silos' Is Bad News for Your Personal Data, *Wired* (Apr. 4, 2025), <https://www.wired.com/story/plaintext-trump-executive-order-information-silos-privacy/>; Julia Angwin, *'This Is What We Were Always Scared of': DOGE Is Building a Surveillance State*, N.Y. Times (Apr. 30, 2025), <https://www.nytimes.com/2025/04/30/opinion/musk-doge-data-ai.html>; Priscilla Alvarez, Sunlen Serfaty, Marshall Cohen & Tami Luhby, *DOGE is building a master database for immigration enforcement, sources say*, CNN (Apr. 25, 2025), <https://www.cnn.com/2025/04/25/politics/doge-building-master-database-immigration/index.html>; Natalie Alms, *DOGE is building a 'master database' of sensitive information, top Oversight Democrat says*, NextGov (Apr. 18, 2025), <https://www.nextgov.com/digital-government/2025/04/doge-building-master-database-sensitive-information-top-oversight-democrat-says/404693/>; Tina Nguyen, *House Democrats: DOGE is building a 'master database' of Americans' sensitive information*, The Verge (Apr. 18, 2025), <https://www.theverge.com/tech/652215/doge-cross-agency-master-database-sensitive-information>; Jack Revell, *Musk's DOGE Goons Are Building a 'Deportation Machine' from Sensitive Personal Data*, The Daily Beast (Apr. 26, 2025), <https://www.thedailybeast.com/musks-doge-goons-are-building-a-deportation-machine-from-sensitive-personal-data/>; Stephen Fowler & Jude Joffe-Block, *How DOGE may have improperly used Social Security data to push voter fraud narratives*, NPR (Apr. 11, 2025), <https://www.npr.org/2025/04/11/nx-s1-5352470/doge-musk-social-security-voting>; Matt Giles, Leah Feiger, Zoë Schiffer, & Caroline Haskins, *Here's All the Health and Human Services Data DOGE Has Access To*, *Wired* (Apr. 22, 2025), <https://www.wired.com/story/doge-data-access-hhs/>.

Information released years down the road would come too late. At that point, further details about [DOGE's] operations and communications with federal agencies likely would be only 'of historical value.'" *Id.* at *15 (citations omitted).

Finally, the management of data possessed by federal agencies concerns quintessential federal government activity.

There have been numerous news reports concerning this development would mean for private information of Americans.¹² "[T]he many news articles on the subject indicate that USDS's operations represent 'a matter of immediate concern to the American public, given extensive media interest[.]' . . . Moreover, reports that [DOGE] personnel have gained access to sensitive data and payment systems, classified information without the appropriate clearances, and operate in secrecy using auto-deleting messaging apps like Signal, each call into question 'the Government's integrity, which need not suggest any dishonesty or intentional wrongdoing on Defendants' part.'" *CREW v. DOGE*, 2025 WL 752367, at *14. The same can be said of the agencies' reported disclosure and matching of databases. In view of the reporting of massive databases being built, the public rightly raises questions, and has a right to know, whether and to what extent said agencies are complying with federal law that protects their privacy.

The undersigned certifies that the above statement is true and correct.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [REDACTED] and [REDACTED] or call me at [REDACTED]. 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 [REDACTED] and [REDACTED]. Thank you for your assistance in the matter.

Sincerely,

[REDACTED]

[REDACTED]
Senior Legal Fellow

¹² See *supra* note 10 & 11.

Exhibit K



May 20, 2025

Department of Health and Human Services (HHS) Office of the Secretary (OS)
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Re: Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and HHS regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests the following records from January 20, 2025 to the date the request is processed:

1. All communications sent or received by any employees of the Centers for Disease Prevention and Control (CDC) that mention, reference, or relate to the Reduction-in-Force of CDC staff on April 1, 2025.
2. All memoranda, directives, or other final records relating to the Reduction-in-Force of CDC staff on April 1, 2025.

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.

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 March 27, 2025, HHS announced that, in accordance with the President Trump's executive order entitled *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*,¹ it planned to downsize its workforce by 20,000 employees, from 82,000 to 62,000 full-time employees.² On April 1, 2025, the Trump Administration carried out mass firings throughout HHS, beginning the process of cutting around 10,000 jobs within the agency, including staff within CDC.³ In addition, the United States currently faces an "ongoing measles outbreak."⁴ Between January 1 and March 20, 2025, "17 States have reported a total of 378 cases of measles, including two deaths - the first deaths related to measles in the United States in a decade."⁵ The public has a right to know why the CDC reduced its workforce during this critical time of public health, and whether it has a plan to address the consequences.

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

¹ Exec. Order No. 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025).

² Press Release, HHS, HHS Announces Transformation to Make America Healthy Again (Mar. 27, 2025), <https://www.hhs.gov/about/news/hhs-restructuring-doge.html>.

³ Berkeley Lovelace Jr., et al., *Widespread job cuts begin at health agencies*, NBC News (Apr. 1, 2025), <https://www.nbcnews.com/health/health-news/widespread-job-cuts-begin-health-agencies-rcna198859>.

⁴ Measles - United States of America, World Health Organization (Mar. 27, 2025) <https://www.who.int/emergencies/disease-outbreak-news/item/2025-DON561>.

⁵ *Id.*; see also Tom Bartlett, *His daughter was America's first measles death in a decade*, The Atlantic (Mar. 11, 2025), <https://www.theatlantic.com/health/archive/2025/03/texas-measles-outbreak-death-family/681985/>.

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").

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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 [REDACTED] and [REDACTED] or call me at [REDACTED]. 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 [REDACTED] and [REDACTED]. Thank you for your assistance in the matter.

Sincerely,

[REDACTED]
[REDACTED]

[REDACTED]
Senior Legal Fellow

Exhibit L



May 20, 2025

Department of Health and Human Services (HHS) Office of the Secretary (OS)
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Re: Freedom of Information Act Request

Dear FOIA Officers:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and HHS regulations, 45 C.F.R. § 5.1 *et seq.*

Specifically, CREW requests the following records from January 20, 2025 to the date the request is processed:

1. All communications sent or received by any employees of the Centers for Disease Prevention and Control (CDC) that mention, reference, or relate to the decision to terminate the Healthcare Infection Control Practices Advisory Committee (HICPAC).
2. All memoranda, directives, or other final records relating to the decision to terminate the HICPAC.

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.

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).

HICPAC provides “advice and guidance to the Secretary, Department of Health and Human Services (HHS); the Director, Centers for Disease Control and Prevention (CDC) ... regarding the practice of infection control and strategies for surveillance, prevention, and control of healthcare-associated infections antimicrobial resistance and related events in settings where healthcare is provided, including hospitals, outpatient settings, long-term care facilities, and home health agencies.”¹ On May 6, 2025, public reporting suggests that the CDC has terminated HICPAC, with “[f]our committee members [who] said the Centers for Disease Control and Prevention delivered the news about HICPAC’s termination to members Friday [May 2, 2025].”² Some members of the committees “say they fear that its guidelines will be frozen in time, unable to evolve with new scientific research or the spread of drug-resistant organisms, which are a particular threat to hospitals.” Jane Thomason, the lead hygienist at National Nurses United, said in a statement that “Without HICPAC’s public meetings, there is no longer any public access to the process for drafting CDC guidance on infection control for health care settings. This further undermines safety for patients, nurses, and other health care workers.”³ The public is rightly concerned about the consequences of this termination.⁴ The public has a right to know why the CDC terminated this important committee, and whether it has a plan to address the consequences.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal

¹ *Healthcare Infection Control Practices Advisory Committee (HICPAC)*, CDC.gov, <https://www.cdc.gov/faca/committees/hicpac.html> (last visited May 20, 2025).

² Aria Bendix, *Trump administration has shut down CDC's infection control committee*, NBC News (May 6, 2025), <https://www.nbcnews.com/health/health-news/trump-administration-shut-cdcs-infection-control-committee-rcna205209>.

³ *Id.*

⁴ *See, e.g., Kristina Fiore, CDC Advisory Committee's Days Are Numbered*, MedPage Today (Apr. 29, 2025), <https://www.medpagetoday.com/special-reports/exclusives/115345>; Chris Dall, *Trump administration shuts down federal advisory committee on infection prevention*, CIDRAP (May 8, 2025), <https://www.cidrap.umn.edu/healthcare-associated-infections/trump-administration-shuts-down-federal-advisory-committee>; Ashleigh Fields, *Trump nixes CDC infectious disease advisory committee: Report*, The Hill (May 6, 2025), <https://thehill.com/policy/healthcare/5286736-trump-nixes-cdc-infectious-disease-advisory-committee-report/>.

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 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 me at [REDACTED] and [REDACTED] or call me at [REDACTED]. 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 [REDACTED] and [REDACTED]. Thank you for your assistance in the matter.

Sincerely,

[REDACTED]

Senior Legal Fellow

Exhibit M

Submitting a FOIA Request or Appeal:

- After logging in, click on either the Submit a FOIA Request or Submit a FOIA Appeal link above.
- Fill in the General Information Section:
- **For FOIA Requests:** Please fill in your request details, along with your preferred Delivery and Payment Mode, and any attachments. Submit the request.
 - If requesting records about you, use the Add Attachment button to attach a signed request containing the following identity verification information:
 - Your full name, current address, and date and place of birth; and
 - Your notarized signature, or a signed statement by you that certifies, under penalty of perjury, that you are the individual who you claim to be and understand that the knowing and willful request for a record about an individual from an agency under false pretenses is a criminal offense under the Privacy Act, subject to a fine of up to \$5,000.
 - Do not include your Social Security Number (SSN). If HHS needs your SSN or other identifying particulars to locate the requested records or to ensure that records located are about you, HHS will request that information from you later.
- **For FOIA Appeals:** When appealing a request previously submitted via PAL, use the FOIA Reference No. field to reference the request. If the prior FOIA request was not submitted via PAL, please provide the original request number within your Appeal letter.
 - Select your preferred delivery mode.
 - Fill in the Description Section: Please provide a concise summary of the agency determination you are appealing and why you believe that action should be reconsidered. Include the agency tracking number.
 - Attach a copy of your initial request and the correspondence which represents the adverse action you are appealing. HHS understands there will be no agency correspondence for a constructive denial.
 - Submitting the Request: Click the Submit button at the bottom of the page to complete the form.

No particular form is prescribed for making a FOIA request or appeal, but the request or appeal must conform to the [HHS FOIA regulations](#). You may submit the request or appeal using PAL or in any manner that conforms to the regulations.

Note: A verification email will be sent out shortly to let you know that HHS has received your request or appeal successfully. The email will also provide you with your request or appeal tracking number. Requests and appeals received after 5 pm Eastern Standard Time will be considered "received" on the next business day.

Submitting to an HHS Operating Division

Each major organizational component in HHS has a FOIA Requester Service Center that processes relevant FOIA requests.

[ACL](#)- Administration for Community Living

[ACF](#)- Administration for Children and Families

[AHRQ](#)- Agency for Healthcare Research and Quality

[CDC](#)- Centers for Disease Control and Prevention

[CMS](#)- Centers for Medicare & Medicaid Services

[FDA](#)- Food and Drug Administration

[HRSA](#)- Health Resources and Services Administration

[IHS](#)- Indian Health Service

[NIH](#)- National Institutes of Health

[OIG](#)- Office of Inspector General

[PSC](#)- Program Support Center

[PHS](#)- Public Health Service

[SAMHSA](#)- Substance Abuse and Mental Health Services Administration

Privacy Act Statement

This Statement is provided pursuant to the Privacy Act of 1974 (5 U.S.C. § 552a): The information that you provide in order to submit a FOIA request or appeal to HHS is authorized to be collected under the Freedom of Information Act (5 U.S.C. § 552). Submitting a FOIA request or appeal is voluntary, but failing to provide any or all of the information necessary for the request or appeal to conform to the [HHS FOIA regulations](#) may prevent HHS from processing your request or appeal. The principal purposes for which HHS will use the information you provide in your FOIA request or appeal are to track, process, and respond to the request or appeal. The information will be


included in a Privacy Act system of records, and will be used and may be disclosed for the purposes and routine uses described and published in the following System of Records Notice (SORN): [09-90-0058](#) Tracking Records and Case Files for FOIA and Privacy Act Requests and Appeals, 81 FR 17463 (3/29/16), updated [83 FR 6591](#) (2/14/18).

[Privacy Policy](#)

 An official website of the United States government [Here's how you know](#) ▼



Centers for Disease Control and Prevention

 SEARCH

The page you were looking for has moved.

Please see:

- [Freedom of Information Act](#)
- [Freedom of Information Act \(FOIA\)](#)

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Policies ▼

Archive ▼



U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION



[HHS.GOV](#) [USA.GOV](#)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF JULIA SZYBALA

I, JULIA SZYBALA, declare as follows:

1. I submit this declaration on behalf of the Democracy Forward Foundation (“DFF”) in light of the Court’s May 13, 2025 interest in updated factual information concerning Freedom of Information Act (“FOIA”) compliance at the Centers for Disease Control and Prevention (“CDC”) and the Department of Health and Human Services (“HHS”) and in support of Plaintiff’s Motion for Preliminary Injunction, ECF 13.

2. I am the Interim Director of Oversight and Engagement at DFF. The facts set forth in this Declaration are true and of my own personal knowledge or based on a review of DFF’s business records generated in connection with DFF’s work.

3. Democracy Forward Foundation is a nonprofit national legal organization that advances democracy and social progress through litigation, policy and public education, and regulatory engagement. Part of DFF’s work includes promoting transparency and accountability in government by educating the public on government actions and policies.

4. DFF has a demonstrated ability to uncover information of public interest using freedom of information statutes, and to assist in disseminating those records to contribute to the

public's understanding of actions throughout the government. Indeed, records received by DFF have previously formed the basis of news reports.

5. As Interim Director of Oversight and Engagement, I manage the organization's submission of public records requests, investigative work, accountability efforts for potential ethics violations, and related matters. This includes supervising the drafting of FOIA requests to seek records of significant public interest on matters of public concern.

6. DFF has submitted requests of significant public concern to CDC during this administration, but has not received any meaningful responses. This hampers DFF's efforts to uncover important information about matters of public concern for dissemination to the public. CDC has not issued a response or determination even in response to a request that it acknowledged warranted expedited processing more than three months ago. The agency has become increasingly less responsive and has not responded to DFF's recent emails and phone calls seeking information on the status of outstanding and overdue requests.

7. On January 21, 2025 and February 11, 2025, DFF submitted FOIA requests to CDC that remain pending. True and correct copies of these requests are included in Exhibit A. These requests were submitted via email according to Defendants' then-existing instructions that "[a] FOIA request must be e-mailed to CDC at: FOIARequests@cdc.gov."

8. On March 20, 2025, April 7, 2025, and April 25, 2025, DFF submitted FOIA requests to the CDC that remain pending. True and correct copies of these requests are included in Exhibit A. The requests were submitted via the [FOIA.gov](https://www.foia.gov) online portal.

9. DFF's FOIA requests to CDC seek information of considerable public concern, namely: information concerning SF-50 and SF-52 personnel actions; ethics forms for DOGE affiliates at the agency; position and personnel reports for DOGE affiliates at the agency; and Memoranda of Understanding, Memoranda of Agreement, service agreements, or other similar

agreements between the CDC and DOGE.

10. DFF has received acknowledgements and tracking numbers for four of the five pending FOIA requests it submitted to CDC. Those tracking numbers are: 25-00653-FOIA, 25-00796-FOIA, 25-00992-FOIA, and 25-01110-FOIA. DFF's April 25, 2025 FOIA request has not yet received an acknowledgement or tracking number.

11. On January 23, 2025, Defendants sent an acknowledgement letter for request #25-00653-FOIA, which stated that the agency would require "more than thirty working days to respond to your request because: [1] We reasonably expect to receive and review voluminous and complex records in response to your request. [2] We reasonably expect to consult with two or more Centers/Institutes/Offices."

12. On February 13, 2025, Defendants sent an acknowledgment letter for request #25-00796-FOIA, which specified that the request was "placed in our Expedited processing queue" and that "your FOIA request will be processed as quickly as possible."

13. On March 21, 2025, Defendants sent an acknowledgement letter for request #25-00992-FOIA, which stated that the agency would "require an additional ten-working-days to respond to your request because: X We reasonably expect to consult with two or more C/I/O/s, or another HHS operating division or another federal agency about your request."

14. On April 7, 2025, Defendants sent emails acknowledging receipt of request #25-01110-FOIA and stating that the status of the request was updated to "Received." These short, apparently-automated email messages did not include any description of the request, information about the processing queue, or a determination regarding DFF's fee waiver request. All of which is not sufficient acknowledgement of our request.

15. DFF has received no further contact from Defendants concerning any of these pending FOIA requests.

16. Defendants' deadline to issue an initial determination in response to DFF's FOIA request #25-00653-FOIA – including the ten-working-day extension of time allowed “unusual circumstances,” invoked here by the agency – expired on March 6, 2025.

17. Defendants' deadline to issue an initial determination in response to DFF's FOIA request #25-00796-FOIA – which the agency placed in its “expedited processing queue” – expired on March 11, 2025.

18. Defendants' deadline to issue an initial determination in response to DFF's FOIA request 25-00992-FOIA – including the ten-working-day extension of time allowed “unusual circumstances,” invoked here by the agency – expired on May 1, 2025.

19. Defendants' deadline to issue an initial determination in response to DFF's FOIA request 25-01110-FOIA expired on May 5, 2025.

20. DFF's final pending FOIA request was submitted to CDC on April 25, 2025 and has yet to receive a tracking number, as noted above. Section 7 of the OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524, requires Defendants to provide FOIA requesters with an individualized tracking number for any request that will take longer than 10 days to process. Defendants' deadline to issue a tracking number for this request was May 5, 2025.

21. DFF has made multiple attempts to receive updates on the status of these requests. During the week of May 12, 2025, I made several calls to the CDC's FOIA Office (770-488-6399). My calls went straight to a generic answering machine each time, without ever ringing. On May 15, 2025, I left a voicemail requesting a status update, which included my name, phone number, and the tracking numbers for DFF's pending FOIA requests. I have not received any response to this voicemail message.

22. I also attempted to reach the CDC's FOIA Officer, Roger Andoh, at the phone number listed in some of the CDC's acknowledgement letters (770-488-6277). I left a voicemail

requesting a status update on May 16, 2025, but have not received a response.

23. I also attempted to call the publicly listed phone line for HHS's main FOIA (202-690-7453), but only reached an automated message stating that this phone number has been disconnected.

24. DFF has also sought status updates from the CDC's FOIA inbox, foiarequests@cdc.gov, and HHS's FOIA inbox, foiarequest@hhs.gov, but received no response.

25. DFF has received no additional communication from Defendants concerning our pending FOIA requests and has been unsuccessful in reaching anyone responsible for processing these requests. We are unsure when or whether we will receive the requested records with the elimination of the CDC FOIA office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 20, 2025

/s/Julia Szybala
JULIA SZYBALA

Exhibit A

DEMOCRACY FORWARD

January 21, 2025

VIA Electronic Delivery

Department of Agriculture
1400 Independence Ave SW,
Washington, DC 20250
USDAFOIA@usda.gov

Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230
eFOIA@doc.gov

Department of Homeland Security
Headquarters
Office of the Executive Secretary
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525
VIA Online Portal

Department of Homeland Security
Immigration & Customs Enforcement
500 12th Street SW, Stop 5009
Washington, DC 20536-5009
VIA Online Portal

Department of Homeland Security
Customs & Border Protection
1300 Pennsylvania Avenue NW,
Washington, DC 20004
VIA Online Portal

Department of Homeland Security
U.S. Citizenship & Immigration Services,
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
Via Online Portal

Council on Environmental Quality
FOIA Request Service Center
730 Jackson Place, NW
Washington, DC 20503
efoia@ceq.eop.gov

Central Intelligence Agency
Information and Privacy Coordinator
Washington, DC 20505
Via Online Portal

Department of Defense
Office of the Secretary of Defense
1000 Defense Pentagon,
Washington, DC 20301-1000
VIA Online Portal

Department of Defense
Secretary of the Army
101 Army Pentagon,
Washington, DC 20310-0101
VIA Online Portal

Department of Defense
Department of the Navy - Office of the
Chief of Naval Operations
2000 Navy Pentagon
Washington DC 20350-2000
VIA Online Portal

Department of Defense
Headquarters Air Force/AAL (FOIA)
1000 Air Force Pentagon
Washington, DC 20330-1000
VIA Online Portal

DF-MULTI-25-0119-0168

DEMOCRACY FORWARD

United States Coast Guard
ATTN: FOIA Coordinator
Commandant (CG-611), 2703 Martin Luther
King Jr Ave, SE, Stop 7710
Washington, DC 20593-7710
efoia@uscg.mil

Department of Education
Office of the Secretary
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Attn: FOIA Service Center
EDFOIAManager@ed.gov

Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585
FOIA-Central@hq.doe.gov

Environmental Protection Agency
National FOIA Office
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460
VIA Online Portal

U.S. Equal Employment Opportunity
Commission
131 M Street, N.E., Suite 5NW02E
Washington, DC 20507
Via online portal

National Freedom of Information Act
Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Via online portal

Federal Trade Commission Headquarters
600 Pennsylvania Avenue, NW
Washington DC 20580
FOIA@ftc.gov

General Services Administration
FOIA Contact, FOIA Requester Service
Center (LG)
1800 F. Street, NW
Washington, DC 20405
gsa.foia@gsa.gov

Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201
VIA Online Portal

Department of Health & Human Services
Food and Drug Administration
FDA Division of Freedom of Information,
Office of the Executive Secretariat, OC
5630 Fishers Lane, Room 1035
Rockville, MD 20857
Via Online Portal

Department of Health & Human Services
National Institutes of Health
NIH FOIA Office, Building 31, Room 5B35
31 Center Drive, MSC 2107
Bethesda, MD 20892-2107
Via Online Portal

Department of Health & Human Services
Center for Medicare and Medicaid Services
FOIA Officer, Central Building Room
C5-11-06
7500 Security Boulevard
Baltimore, MD 21244
FOIA_Request@cms.hhs.gov

DEMOCRACY FORWARD

Department of Health & Human Services
Administration for Children and Families
Mary E. Switzer Building, Room 4004
330 C Street, S.W.
Washington, DC 20201
foia@acf.hhs.gov

Department of Health & Human Services
Centers for Disease Control and Prevention
FOIA Officer, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333
FOIARequests@cdc.gov

Department of Housing and Urban
Development
451 7th Street S.W.,
Washington, DC 20410
FOIA@hud.gov

Department of the Interior
1849 C St., NW, MS-4106
Washington, DC 20240
Via online portal

Department of Justice
FOIA/PA Mail Referral Unit, Room 115
LOC Building
Washington, DC 20530
MRUFOIA.Requests@usdoj.gov

Department of Justice
Office of Information Policy
6th Floor
441 G St. NW
Washington, DC 20530
VIA Online Portal

Department of Justice
Civil Rights Division
FOIA/PA Branch
4CON, Room 6.153
950 Pennsylvania Ave, N.W.
Washington, DC 20530
CRT.FOIArequests@usdoj.gov

Department of Justice
Civil Division, FOIA and Privacy Office
Room 8314
1100 L Street, NW
Washington, DC 20530
VIA Online Portal

Department of Justice
FOIA/PA Unit
Criminal Division
Room 803, Keeney Building
Washington, DC 20530-0001
crm.foia@usdoj.gov

Department of Justice
Environment and Natural Resources
Division
FOIA Coordinator and Public Liaison
950 Pennsylvania Avenue, NW
FOIARouting.enrd@usdoj.gov

Federal Bureau of Investigation
Attn: Initial Processing Operations Unit
Record/Information Dissemination Section
200 Constitution Drive
Winchester, VA 22602
VIA Online Portal

DEMOCRACY FORWARD

Department of Justice
Executive Office for Immigration Review
FOIA Requester Service Center
5107 Leesburg Pike, Suite 2150
Falls Church, VA 22041
eoir.foiarequests@usdoj.gov

Federal Bureau of Prisons
FOIA/PA Section
Office of General Counsel, Room 924
320 First Street, N.W.
Washington, DC 20534
BOP-OGC-EFOIA-S@BOP.GOV

NASA Headquarters
% Mary W. Jackson
300 E. Street SW
Washington DC 20546
VIA Online Portal

National Highway Traffic Safety
Administration
Executive Secretariat
1200 New Jersey Avenue, SE
West Building, 41-304
Washington, DC 20590
Via online portal

National Labor Relations Board
1015 Half Street SE
Washington, DC 20570
Via online portal

National Park Service
1849 C Street, Room 2270
Washington DC 20240
Via online portal

Office of Management and Budget
725 17th Street NW, Suite 9272
Washington, DC 20503
OMBFOIA@omb.eop.gov

U.S. Digital Service
736 Jackson Place
Washington, D.C. 20503
USDS@omb.eop.gov

Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900*
foia@opm.gov

U.S. Small Business Administration
Chief, Freedom of Information/Privacy Acts
Office
409 3rd St. SW, 8th floor
Washington, DC 20416
FOIA@sba.gov

Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549
Via online portal

Social Security Administration
Office of Privacy and Disclosure
ATTN: Freedom of Information Officer
WHR G401
6401 Security Boulevard
Baltimore, MD 21235
Via Online Portal

Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
ost.foia@dot.gov



Department of the Treasury
Director, FOIA & Transparency
1500 Pennsylvania Ave., N.W.
Washington, DC 20220
foiapl@treasury.gov

Department of the Treasury
Internal Revenue Service
GLDS Support Services
Stop 211
PO Box 621506
Atlanta, GA 30362-3006
Via Online Portal

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, and your agency's implementing regulations, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation ("DFF") requests that your agency produce the following within twenty (20) business days:

All SF-52 Requests for Personnel Action which were issued, sent, or signed from January 20, 2025 to January 24, 2025.

DFF expects that this request for readily identifiable form documents issued over the course of a short period of time can be assigned to the Simple processing track and produced expeditiously, in addition to receiving expedited processing.

DFF recognizes that the above request seeks personnel records, however most privacy interests implicated by this narrow subset of records are significantly outweighed by the public interest in disclosure. First, the requested information would inform the public about who the incoming administration has put in positions of power to lead vital government agencies in its first days in office.¹ Second, there is a substantial public interest in understanding the Trump

¹ Public reports show there are a torrent of important personnel actions but a lack of clarity for the public, including regarding the occupants of high level positions. *See, e.g.,* Hamed Aleziz, *Trump Administration Fires Immigration Court Officials as Crackdown Begins*, New York Times (January 20, 2025) ("It's unclear who is in charge at this point."), <https://www.nytimes.com/2025/01/20/us/politics/trump-administration-fires-immigration-judges.html>; *Trump Fires Coast Guard Commandant over DEI, Security*, Fox News Reports, Reuters (January 21, 2025) ("The White House and Homeland Security Department did not immediately return a request for comment on the report. ...The dismissal of Fagan, 61, was part of a flurry of leadership personnel moves by the new administration just

DEMOCRACY FORWARD

Administration's actions in seeking to remove civil service protections from career civil servants, and the responsive records will indicate the extent to which the administration has initially taken—or not taken—personnel actions affecting career civil servants.² Consequently, DFF expects that your agency will produce the requested records with few or no exemption claims, though DFF would not object to the redaction of sensitive personal information like social security numbers or dates of birth.

Request for Expedited Processing

Expedited processing of this request is required because there is a “compelling need” for the disclosure of the requested information.³ DFF is an organization primarily engaged in “disseminating information to the public,”⁴ as evidenced by the previous use of public records

hours after President Donald Trump's inauguration. Overnight, Trump also announced on social media he was dismissing several individuals appointed to federal panels, including removing former Joint Chiefs Chairman Mark Milley from the National Infrastructure Advisory Council. Trump promised “many more” firings in the near future.), <https://www.yahoo.com/news/trump-fires-coast-guard-commandant-144621351.html>.

² See, e.g., Maggie Haberman & Jonathan Swan, *Trump Will Strip Protections from Career Civil Servants*, Miller Says, New York Times (January 19, 2025), <https://www.nytimes.com/2025/01/19/us/politics/trump-inauguration-stephen-miller.html>; Lisa Rein, *Trump Reinstates Plan to Strip Protections from Federal Workers*, Wash. Post (January 20, 2025), <https://www.washingtonpost.com/politics/2025/01/20/trump-schedule-f-reinstated/>.

³ 5 U.S.C. § 552 (6)(E).

⁴ 5 U.S.C. § 552 (6)(E)(v)(II) (“Compelling need” for the purpose of expedited processing mean “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”).

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obtained by DFF in numerous news reports.⁵ Further there is a clear “urgency to inform the public” of the personnel actions the Administration has taken in its initial days, as discussed above.⁶ The public urgently needs to understand who the new Administration has moved into positions of power in vital government roles, particularly as news reports suggest there have been many personnel movements but that there is a lack of clarity and information about those actions.⁷ Further, as the new administration has taken dramatic action seeking to remove civil

⁵ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, HuffPost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees’ war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

⁶ 5 U.S.C. § 552 (6)(E)(v)(II).

⁷ Public reports show there are a torrent of important personnel actions but a lack of clarity for the public, including regarding the occupants of high level positions. See, e.g., Hamed Aleaziz, *Trump Administration Fires Immigration Court Officials as Crackdown Begins*, New York Times (January 20, 2025) (“It’s unclear who is in charge at this point.”), <https://www.nytimes.com/2025/01/20/us/politics/trump-administration-fires-immigration-judges.html>;

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service protections from career civil servants, the public has an urgent need to understand whether and to what extent the administration has begun to take personnel actions to remove, demote, or reassign career civil servants.⁸ The extensive news reports concerning these matters cited in this request, which note the uncertainties concerning the administration's courses of action, serve to demonstrate the public's urgent need for the requested information.

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 39 C.F.R. § 265.9, DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see id.*, or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

Trump Fires Coast Guard Commandant over DEI, Security, Fox News Reports, Reuters (January 21, 2025) (“The White House and Homeland Security Department did not immediately return a request for comment on the report. . . . The dismissal of Fagan, 61, was part of a flurry of leadership personnel moves by the new administration just hours after President Donald Trump’s inauguration. Overnight, Trump also announced on social media he was dismissing several individuals appointed to federal panels, including removing former Joint Chiefs Chairman Mark Milley from the National Infrastructure Advisory Council. Trump promised “many more” firings in the near future.”), <https://www.yahoo.com/news/trump-fires-coast-guard-commandant-144621351.html>.

⁸ *See, e.g.*, Maggie Haberman & Jonathan Swan, *Trump Will Strip Protections from Career Civil Servants*, *Miller Says*, New York Times (January 19, 2025), <https://www.nytimes.com/2025/01/19/us/politics/trump-inauguration-stephen-miller.html>; Lisa Rein, *Trump Reinstates Plan to Strip Protections from Federal Workers*, Wash. Post (January 20, 2025), <https://www.washingtonpost.com/politics/2025/01/20/trump-schedule-f-reinstated/>.

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The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. DFF has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and as discussed in detail above, the requested information is likely to significantly benefit public understanding of important government actions—including the implementation of the administration’s plans with respect to the civil service and the appointment and removal of key individuals. Indeed, records received by DFF have previously formed the basis of news reports.⁹

⁹ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *“Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, HuffPost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees’ war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

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DFF is a non-profit, public service organization and is not filing this request to further any commercial interest. Any information obtained by Democracy Forward as a result of this request will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & Chief Executive Officer

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043



February 11, 2025

VIA Electronic Delivery

Department of Agriculture
1400 Independence Ave SW,
Washington, DC 20250
USDAFOIA@usda.gov

Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230
eFOIA@doc.gov

Department of Homeland Security
Headquarters
Office of the Executive Secretary
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525
VIA Online Portal

Department of Homeland Security
Immigration & Customs Enforcement
500 12th Street SW, Stop 5009
Washington, DC 20536-5009
VIA Online Portal

Department of Homeland Security
Customs & Border Protection
1300 Pennsylvania Avenue NW,
Washington, DC 20004
VIA Online Portal

Department of Homeland Security
U.S. Citizenship & Immigration Services,
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
Via Online Portal

Council on Environmental Quality
FOIA Request Service Center
730 Jackson Place, NW
Washington, DC 20503
efoia@ceq.eop.gov

Central Intelligence Agency
Information and Privacy Coordinator
Washington, DC 20505
Via Online Portal

Consumer Financial Protection Bureau
Attn: Chief FOIA Officer
1700 G St. NW
Washington, DC 20552
VIA Online Portal

Department of Defense
Office of the Secretary of Defense
1000 Defense Pentagon,
Washington, DC 20301-1000
VIA Online Portal

Department of Defense
Secretary of the Army
101 Army Pentagon,
Washington, DC 20310-0101
VIA Online Portal

Department of Defense
Department of the Navy - Office of the
Chief of Naval Operations
2000 Navy Pentagon
Washington DC 20350-2000
VIA Online Portal

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Department of Defense
Headquarters Air Force/AAL (FOIA)
1000 Air Force Pentagon
Washington, DC 20330-1000
VIA Online Portal

United States Coast Guard
ATTN: FOIA Coordinator
Commandant (CG-611), 2703 Martin Luther
King Jr Ave, SE, Stop 7710
Washington, DC 20593-7710
efoia@uscg.mil

Department of Education
Office of the Secretary
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Attn: FOIA Service Center
EDFOIAManager@ed.gov

Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585
FOIA-Central@hq.doe.gov

Environmental Protection Agency
National FOIA Office
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460
VIA Online Portal

U.S. Equal Employment Opportunity
Commission
131 M Street, N.E., Suite 5NW02E
Washington, DC 20507
Via online portal

National Freedom of Information Act
Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Via online portal

Federal Trade Commission Headquarters
600 Pennsylvania Avenue, NW
Washington DC 20580
FOIA@ftc.gov

General Services Administration
FOIA Contact, FOIA Requester Service
Center (LG)
1800 F. Street, NW
Washington, DC 20405
gsa.foia@gsa.gov

Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201
VIA Online Portal

Department of Health & Human Services
Food and Drug Administration
FDA Division of Freedom of Information,
Office of the Executive Secretariat, OC
5630 Fishers Lane, Room 1035
Rockville, MD 20857
Via Online Portal

Department of Health & Human Services
National Institutes of Health
NIH FOIA Office, Building 31, Room 5B35
31 Center Drive, MSC 2107
Bethesda, MD 20892-2107
Via Online Portal

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Department of Health & Human Services
Center for Medicare and Medicaid Services
FOIA Officer, Central Building Room
C5-11-06
7500 Security Boulevard
Baltimore, MD 21244
FOIA_Request@cms.hhs.gov

Department of Health & Human Services
Administration for Children and Families
Mary E. Switzer Building, Room 4004
330 C Street, S.W.
Washington, DC 20201
foia@acf.hhs.gov

Department of Health & Human Services
Centers for Disease Control and Prevention
FOIA Officer, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333
FOIARequests@cdc.gov

Department of Housing and Urban
Development
451 7th Street S.W.,
Washington, DC 20410
FOIA@hud.gov

Department of the Interior
1849 C St., NW, MS-4106
Washington, DC 20240
Via online portal

Department of Justice
FOIA/PA Mail Referral Unit, Room 115
LOC Building
Washington, DC 20530
MRUFOIA.Requests@usdoj.gov

Department of Justice
Office of Information Policy
6th Floor
441 G St. NW
Washington, DC 20530
VIA Online Portal

Department of Justice
Civil Rights Division
FOIA/PA Branch
4CON, Room 6.153
950 Pennsylvania Ave, N.W.
Washington, DC 20530
CRT.FOIArequests@usdoj.gov

Department of Justice
Civil Division, FOIA and Privacy Office
Room 8314
1100 L Street, NW
Washington, DC 20530
VIA Online Portal

Department of Justice
FOIA/PA Unit
Criminal Division
Room 803, Keeney Building
Washington, DC 20530-0001
crm.foia@usdoj.gov

Department of Justice
Environment and Natural Resources
Division
FOIA Coordinator and Public Liaison
950 Pennsylvania Avenue, NW
FOIARouting.enrd@usdoj.gov

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Federal Bureau of Investigation
Attn: Initial Processing Operations Unit
Record/Information Dissemination Section
200 Constitution Drive
Winchester, VA 22602
VIA Online Portal

Department of Justice
Executive Office for Immigration Review
FOIA Requester Service Center
5107 Leesburg Pike, Suite 2150
Falls Church, VA 22041
eoir.foiarequests@usdoj.gov

Federal Bureau of Prisons
FOIA/PA Section
Office of General Counsel, Room 924
320 First Street, N.W.
Washington, DC 20534
BOP-OGC-EFOIA-S@BOP.GOV

NASA Headquarters
% Mary W. Jackson
300 E. Street SW
Washington DC 20546
VIA Online Portal

National Highway Traffic Safety
Administration
Executive Secretariat
1200 New Jersey Avenue, SE
West Building, 41-304
Washington, DC 20590
Via online portal

National Labor Relations Board
1015 Half Street SE
Washington, DC 20570
Via Online Portal

National Park Service
1849 C Street, Room 2270
Washington DC 20240
Via online portal

Office of Management and Budget
725 17th Street NW, Suite 9272
Washington, DC 20503
OMBFOIA@omb.eop.gov

U.S. Digital Service
736 Jackson Place
Washington, D.C. 20503
USDS@omb.eop.gov

Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900*
foia@opm.gov

U.S. Small Business Administration
Chief, Freedom of Information/Privacy Acts
Office
409 3rd St. SW, 8th floor
Washington, DC 20416
FOIA@sba.gov

Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549
Via online portal

Social Security Administration
Office of Privacy and Disclosure
ATTN: Freedom of Information Officer
WHR G401
6401 Security Boulevard
Baltimore, MD 21235



Via Online Portal

Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590
ost.foia@dot.gov

Department of the Treasury
Director, FOIA & Transparency
1500 Pennsylvania Ave., N.W.
Washington, DC 20220
foiapl@treasury.gov

Department of the Treasury
Internal Revenue Service
GLDS Support Services
Stop 211
PO Box 621506
Atlanta, GA 30362-3006
Via Online Portal

U.S. Agency for International
Development
M/MS/IRD, Suite 2.4.0A, USAID Annex
1300 Pennsylvania Avenue, NW
Washington, DC 20523-2701
Via Online Portal

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, and your agency's implementing regulations, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation ("DFF") requests that your agency produce the following within twenty (20) business days:

1. All SF-50 Notifications for Personnel Action or SF-52 Requests for Personnel Action which were issued, sent, or signed from January 20, 2025 through the date of the search for any political appointees or special government employees.¹

DFF expects that this request for readily identifiable form documents issued over the course of a short period of time can be assigned to the Simple processing track and produced expeditiously, in addition to receiving expedited processing.

¹ This includes individuals serving in their roles through presidential appointment, noncareer appointment and Schedule C appointment, as well as any career civil servant acting in a political role and any Special Government employee placed in their role from January 20, 2025 to the date of the search.

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2. All appointment memoranda and removal memoranda appointing or removing individuals to or from positions within the agency issued or signed from January 20, 2025, until the date of the search.
3. Any document compiling or reflecting the incoming personnel actions to be taken by the incoming Trump Administration upon assumption of office, such as a list or spreadsheet designating individuals for appointment, assignment, removal, or demotion. Please include documents that were created or came into the agency's possession from November 7, 2024 until the date of the search.

DFF recognizes that the above request seeks personnel records; however, most privacy interests implicated by this narrow subset of records are significantly outweighed by the public interest in disclosure. First, the requested information would inform the public about who the new administration has put in positions of power to lead vital government agencies in its first days in office.² Second, there is a substantial public interest in understanding the Trump Administration's actions in seeking to remove civil service protections from career civil servants, and the responsive records will indicate the extent to which the administration has initially taken—or not taken—personnel actions affecting career civil servants.³ Consequently, DFF expects that your agency will produce the requested records with few or no exemption claims, though DFF would not object to the redaction of sensitive personal information like social security numbers or dates of birth.

Request for Expedited Processing

² Public reports show there are a torrent of important personnel actions but a lack of clarity for the public, including regarding the occupants of high level positions. *See, e.g.,* Hamed Aleaziz, *Trump Administration Fires Immigration Court Officials as Crackdown Begins*, New York Times (January 20, 2025) (“It’s unclear who is in charge at this point.”), <https://www.nytimes.com/2025/01/20/us/politics/trump-administration-fires-immigration-judges.html>; *Trump Fires Coast Guard Commandant over DEI, Security*, Fox News Reports, Reuters (January 21, 2025) (“The White House and Homeland Security Department did not immediately return a request for comment on the report. ...The dismissal of Fagan, 61, was part of a flurry of leadership personnel moves by the new administration just hours after President Donald Trump’s inauguration. Overnight, Trump also announced on social media he was dismissing several individuals appointed to federal panels, including removing former Joint Chiefs Chairman Mark Milley from the National Infrastructure Advisory Council. Trump promised “many more” firings in the near future.”), <https://www.yahoo.com/news/trump-fires-coast-guard-commandant-144621351.html>; Shannon Bond et al., *Who is part of Elon Musk’s DOGE and what are they doing?* NPR (Feb. 7, 2025, 4:23 PM), <https://www.npr.org/2025/02/07/nx-s1-5288988/doge-elon-musk-staff-trump> (“The scope of DOGE’s work and the identities of the people carrying it out isn’t fully clear”).

³ *See, e.g.,* Maggie Haberman & Jonathan Swan, *Trump Will Strip Protections from Career Civil Servants*, Miller Says, New York Times (January 19, 2025), <https://www.nytimes.com/2025/01/19/us/politics/trump-inauguration-stephen-miller.html>; Lisa Rein, *Trump Reinstates Plan to Strip Protections from Federal Workers*, Wash. Post (January 20, 2025), <https://www.washingtonpost.com/politics/2025/01/20/trump-schedule-f-reinstated/>.

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Expedited processing of this request is required because there is a “compelling need” for the disclosure of the requested information.⁴ DFF is an organization primarily engaged in “disseminating information to the public,”⁵ as evidenced by the previous use of public records obtained by DFF in numerous news reports.⁶ Further there is a clear “urgency to inform the public” of the personnel actions the Administration has taken in its initial days, as discussed above.⁷ The public urgently needs to understand who the new Administration has moved into

⁴ 5 U.S.C. § 552 (6)(E).

⁵ 5 U.S.C. § 552 (6)(E)(v)(II) (“Compelling need” for the purpose of expedited processing mean “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”).

⁶ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019),

<https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *“Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019),

<https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019),

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https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018),

<https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’* Business Insider (Nov. 2, 2018),

<https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018),

https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018),

<https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018),

<https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018),

<https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017),

<https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees’ war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018),

<https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018),

<https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at

<https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017),

<https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

⁷ 5 U.S.C. § 552 (6)(E)(v)(II).

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positions of power in vital government roles, particularly as news reports suggest there have been many personnel movements but that there is a lack of clarity and information about those actions.⁸ Further, as the new administration has taken dramatic action seeking to remove civil service protections from career civil servants, the public has an urgent need to understand whether and to what extent the administration has begun to take personnel actions to remove, demote, or reassign career civil servants.⁹ The extensive news reports concerning these matters cited in this request, which note the uncertainties concerning the administration's courses of action, serve to demonstrate the public's urgent need for the requested information.

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 39 C.F.R. § 265.9, DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see*

⁸ Public reports show there are a torrent of important personnel actions but a lack of clarity for the public, including regarding the occupants of high level positions. *See, e.g.*, Hamed Aleaziz, *Trump Administration Fires Immigration Court Officials as Crackdown Begins*, New York Times (January 20, 2025) (“It’s unclear who is in charge at this point.”), <https://www.nytimes.com/2025/01/20/us/politics/trump-administration-fires-immigration-judges.html>; *Trump Fires Coast Guard Commandant over DEI, Security*, Fox News Reports, Reuters (January 21, 2025) (“The White House and Homeland Security Department did not immediately return a request for comment on the report. . . . The dismissal of Fagan, 61, was part of a flurry of leadership personnel moves by the new administration just hours after President Donald Trump’s inauguration. Overnight, Trump also announced on social media he was dismissing several individuals appointed to federal panels, including removing former Joint Chiefs Chairman Mark Milley from the National Infrastructure Advisory Council. Trump promised “many more” firings in the near future.”), <https://www.yahoo.com/news/trump-fires-coast-guard-commandant-144621351.html>.

⁹ *See, e.g.*, Maggie Haberman & Jonathan Swan, *Trump Will Strip Protections from Career Civil Servants*, Miller SAYS, New York Times (January 19, 2025), <https://www.nytimes.com/2025/01/19/us/politics/trump-inauguration-stephen-miller.html>; Lisa Rein, *Trump Reinstates Plan to Strip Protections from Federal Workers*, Wash. Post (January 20, 2025), <https://www.washingtonpost.com/politics/2025/01/20/trump-schedule-f-reinstated/>.

DEMOCRACY FORWARD

id., or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. DFF has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and as discussed in detail above, the requested information is likely to significantly benefit public understanding of important government actions—including the implementation of the administration’s plans with respect to the civil service and the appointment and removal of key individuals. Indeed, records received by DFF have previously formed the basis of news reports.¹⁰

¹⁰ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, HuffPost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, ‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’ Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees’ war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at



DFF is a non-profit, public service organization and is not filing this request to further any commercial interest. Any information obtained by Democracy Forward as a result of this request will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman
President & Chief Executive Officer
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043

<https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-fundin-g-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

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March 20, 2025

VIA Electronic Delivery

Center for Disease Control
Attn: FOIA Office, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333
Via online portal

Centers for Medicare & Medicaid Services
Freedom of Information Act Office
Mail Stop C5-11-06
7500 Security Boulevard
Baltimore, Maryland 21244
Via online portal

CFPB, Attn: Chief FOIA Officer
1700 G Street NW
Washington, D.C. 20552
Via online portal

Cybersecurity and Infrastructure Security
Agency
Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. AVE SE
Washington, DC 20528-065
Via online portal

Department of Agriculture
1400 Independence Ave SW,
Washington, DC 20250
USDAFOIA@usda.gov

Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230
eFOIA@doc.gov

Department of Education
Office of the Secretary
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Attn: FOIA Service Center
EDFOIAManager@ed.gov

Department of Energy
Forrestal Building
Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585
FOIA-Central@hq.doe.gov

Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201
Via online portal

Department of Homeland Security
Headquarters
Office of the Executive Secretary
MS 0525 Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525
Via online portal

Department of Housing and Urban
Development
451 7th Street S.W.,
Washington, DC 20410
FOIA@hud.gov

DF-MULTI-25-0455-0483

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Department of the Interior
1849 C St., NW, MS-4106
Washington, DC 20240
Via online portal

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
MRUFOIA.Requests@usdoj.gov

Department of Labor
Office of the Solicitor
Division of Management and Administrative
Legal Services
200 Constitution Ave NW
Room N-2420
Washington, DC 20210
foiarequests@dol.gov

Department of State
The Secretary's Open Forum
S/OF, Rm. 5312A
2201 C St NW.
Washington, DC 20520
Via online portal

FOIA Request
Department of the Treasury
Washington, DC 20220
Via online portal

Department of Veterans Affairs
Freedom of Information Act Services
(005R1C)
811 Vermont Avenue, NW
Washington, DC 20420
Via online portal

National FOIA Office
Environmental Protection Agency
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460
Via online portal

Federal Bureau of Investigation
Attn: Initial Processing Operations Unit
Record/Information Dissemination Section
200 Constitution Drive
Winchester, VA 22602
Via online portal

Federal Emergency Management Agency
FOIA Officer
500 C Street, S.W., Room 840
Washington, D.C. 20472
Via online portal

General Services Administration
FOIA Requester Service Center (LG)
1800 F Street, NW, 7308
Washington, DC 20405-0001
Via online portal

Internal Revenue Service
GLDS Support Services
Stop 93A
Post Office Box 621506
Atlanta, GA 30362
Via online portal

Office of Management and Budget
725 17th Street NW, Suite 9272
Washington, DC 20503
OMBFOIA@omb.eop.gov

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Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900
foia@opm.gov

Social Security Administration
Office of Privacy and Disclosure
G-401 WHR
6401 Security Boulevard
Baltimore, Maryland 21235
Via online portal

U.S. Agency for International Development
M/MS/IRD, Suite 2.4.0A, USAID Annex
1300 Pennsylvania Avenue, NW
Washington, DC 20523-2701

Via online portal
Freedom of Information Act Office
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, D.C 20229-1181
Mail Stop 1181
Via online portal

U.S. DOGE (or Digital) Service
736 Jackson Pl NW
Washington, DC 20503
Via X.com message

U.S. Immigration & Customs Enforcement
Freedom of Information Act Office
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009
Via online portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, and your agency’s implementing regulations, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation (“DFF”) requests that your agency produce the following within twenty (20) business days:

Records sufficient to show the completion of ethics forms, including but not limited to ethics pledges, ethics agreements, financial disclosures and disclosure agreements, or ethics waivers for any special government employees or detailees from or affiliated with the U.S. DOGE Service or “Department of Government Efficiency” (“DOGE”). This would include both employees or affiliates of DOGE from the Executive Office of the President as well as those based in another agency.

The timeframe for the above searches should be from January 20, 2025 until the date of the search.

DF-MULTI-25-0455-0483

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Scope of Search

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 39 C.F.R. § 265.9, DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates

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records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see id.*, or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public’s understanding of DOGE staffers and affiliates, and all efforts to ensure that they follow their the ethical and legal obligations under federal law. Indeed, records received by Democracy Forward have previously formed the basis of news reports.¹

¹ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, HuffPost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, “Just answer the question and kill this story”: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’ Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018),



Democracy Forward is not filing this request to further any commercial interest, and any information obtained by Democracy Forward as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman
President & Chief Executive Officer
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043

<https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

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April 7, 2025

VIA Electronic Delivery

Center for Disease Control
Attn: FOIA Office, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333
Via online portal

Centers for Medicare & Medicaid Services
Freedom of Information Act Office
Mail Stop C5-11-06
7500 Security Boulevard
Baltimore, Maryland 21244
Via online portal

CFPB, Attn: Chief FOIA Officer
1700 G Street NW
Washington, D.C. 20552
Via online portal

Department of Agriculture
1400 Independence Ave SW,
Washington, DC 20250
USDAFOIA@usda.gov

Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230
eFOIA@doc.gov

Department of Education
Office of the Secretary
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Attn: FOIA Service Center
EDFOIAManager@ed.gov

Department of Energy
Forrestal Building
1000 Independence Ave., S.W.
Washington, DC 20585
FOIA-Central@hq.doe.gov

Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201
Via online portal

Department of Homeland Security
Office of the Executive Secretary
MS 0525 Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525
Via online portal

Department of Labor
Office of the Solicitor
Division of Management and Administrative
Legal Services
200 Constitution Ave NW
Room N-2420
Washington, DC 20210
foiarequests@dol.gov

Department of State
The Secretary's Open Forum
S/OF, Rm. 5312A
2201 C St NW.
Washington, DC 20520
Via online portal

FOIA Request
Department of the Treasury
Washington, DC 20220
Via online portal

National FOIA Office
Environmental Protection Agency
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460
Via online portal

National Freedom of Information Act
Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Via online portal

Federal Emergency Management Agency
FOIA Officer
500 C Street, S.W., Room 840
Washington, D.C. 20472
Via online portal

General Services Administration
FOIA Requester Service Center (LG)
1800 F Street, NW, 7308
Washington, DC 20405-0001
Via online portal

Internal Revenue Service
GLDS Support Services
Stop 93A
Post Office Box 621506
Atlanta, GA 30362
Via online portal

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Office of Personnel Management
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foia@opm.gov

Social Security Administration
Office of Privacy and Disclosure
G-401 WHR
6401 Security Boulevard
Baltimore, Maryland 21235
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Freedom of Information Act Office
U.S. Customs and Border Protection
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Mail Stop 1181
Via online portal

U.S. DOGE (or Digital) Service
736 Jackson Pl NW
Washington, DC 20503
admin@doge.eop.gov

U.S. African Development Foundation
1400 I St NW Suite 1000
Washington, 20005
Via online portal

M/MS/IRD, Suite 2.4.0A, USAID Annex
1300 Pennsylvania Avenue, NW
Washington, DC 20523-2701
Via online portal

Immigration & Customs Enforcement
500 12th Street SW, Stop 5009
Washington, DC 20536-5009
Via Online Portal

U.S. Institute of Peace
2301 Constitution Ave, NW
Washington, DC 20037
Via online portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, and your agency’s implementing regulations, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation (“DFF”) requests that your agency produce the following within twenty (20) business days:

1. Records sufficient to show any position classification standards, including the position, title, and responsibilities for all “DOGE employees and affiliates”* at your agency.
2. Records sufficient to show “personnel activity reports” or “time-sheets” for all “DOGE employees and affiliates”* at your agency.
3. Records sufficient to show documentation of any waivers from the requirements of 5 U.S.C. Sec. 5533¹ for all “DOGE employees and affiliates”* at your agency.

The timeframe for the above searches should be from January 20, 2025 until the date of the search.

¹ 5 U.S.C. Sec. 5533 prohibiting individuals from receiving “basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week.”

*“DOGE Employee and Affiliates” for the purposes of this request is defined as:

- any employee of your agency, special government employee at your agency, or detailee at your agency to or from the U.S. DOGE Service or U.S. DOGE Service Temporary organization who joined your agency on or after January 20, 2025; or
- any employee of your agency, special government employee at your agency, or detailee at your agency to or from the Executive Office of the President who joined your agency on or after January 20, 2025; or
- any employee of your agency, special government employee at your agency, or detailee at your agency to or from the General Services Administration or Office of Personnel Management who has joined your agency on or after January 20, 2025; or
- any individual included on the list of names attached to this request as Exhibit A.

Scope of Search

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 39 C.F.R. § 265.9, DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see id.*, or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public’s understanding of DOGE staffers and affiliates roles at multiple agencies, and all efforts to ensure that they all ethical and legal obligations under federal law. Indeed, records received by Democracy Forward have previously formed the basis of news reports.²

² See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt*

Democracy Forward is not filing this request to further any commercial interest, and any information obtained by Democracy Forward as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Enrollment, Huffpost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron,'* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & Chief Executive Officer

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

Exhibit A

- Daniel Abrahamson
- Justin Aimonetti
- Jacob Altik
- Anthony Armstrong
- Kathryn Armstrong Loving
- Jennifer Balajadia
- Alexandra Beyon
- Riccardo Biasini
- Brian Bjelde
- Akash Bobba
- Ashley Boizelle
- James Burnham
- Nate Cavanaugh
- Sam Corcos
- Edward Coristine
- Scott Coulter
- Steve Davis
- Stephen Duarte
- Marko Elez
- Luke Farritor
- Conor Fennessy
- Justin Fulcher
- Mattieu Gamache-Asselin
- Joe Gebbia
- Brady Glantz
- Amy Gleason
- Antonio Gracias
- Joshua Hanley
- Christina Hanna
- Tyler Hassen
- Greg Hogan
- Nicole Hollander
- Stephanie Holmes
- Erica Jehling
- Thomas Kiernan
- Cole Killian
- Gavin Kliger
- Keenan Kmiec
- Jon Koval
- Tom Krause
- Scott Langmack
- Jeremy Lewin
- Kendall Lindemann
- Tarak Makecha
- Ted Malaska
- Katie Miller
- Michael Mirski
- Bryanne-Michelle Mlodzianowski
- Aram Moghaddassi
- Justin Monroe
- Brooks Morgan
- Noah Peters
- Nikhil Rajpal
- Adam Ramada
- Austin Raynor
- Payton Rehling
- Ryan Riedel
- Rachel Riley
- Michael Russo
- Amanda Scales
- Thomas Shedd
- Frank Schuler
- Kyle Schutt
- Ethan Shaotran
- Sam Smeal
- Brad Smith
- Christopher Stanley
- Jordan Wick
- Joanna Wischer
- Ryan Wunderly
- Chris Young



April 25, 2025

VIA Electronic Delivery

CFPB, Attn: Chief FOIA Officer
1700 G Street NW
Washington, D.C. 20552
Via Online Portal

Center for Disease Control
Attn: FOIA Office, MS-D54
1600 Clifton Road, N.E.
Atlanta, GA 30333
Via online portal

Centers for Medicare & Medicaid Services
Freedom of Information Act Office
Mail Stop C5-11-06
7500 Security Boulevard
Baltimore, Maryland 21244
Via online portal

CISA - NGL Stop 0630
Cybersecurity and Infrastructure Security
Agency
1110 N. Glebe Rd.
Arlington, VA 20598-0630
Via online portal

Department of Agriculture
1400 Independence Ave SW,
Washington, DC 20250
USDAFOIA@usda.gov

Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230
Via online portal

Department of Education
Office of the Secretary
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Attn: FOIA Service Center
Via online portal

Department of Energy
Forrestal Building
1000 Independence Ave., S.W.
Washington, DC 20585
Via online portal

Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201
Via online portal

Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525
Via online portal

Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive,
Springfield, VA 20598 - 6020
Via online portal

Department of State
The Secretary's Open Forum
S/OF, Rm. 5312A
2201 C St NW.
Washington, DC 20520

DF-MULTI-25-0645-0664

Via online portal

National FOIA Office
Environmental Protection Agency
1200 Pennsylvania Avenue NW (2310A)
Washington, DC 20460
Via online portal

National Freedom of Information Act
Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Via online portal

Federal Emergency Management Agency
FOIA Officer
500 C Street, S.W., Room 840
Washington, D.C. 20472
Via online portal

Immigration & Customs Enforcement
500 12th Street SW, Stop 5009
Washington, DC 20536-5009
Via online portal

Mary W. Jackson
NASA Headquarters
300 E. Street SW
Washington DC 20546
Via online portal

Chief, Freedom of Information/Privacy
Acts Office
Small Business Administration
409 3rd St. SW, 8th floor
Washington, DC 20416
Via online portal

Social Security Administration
Office of Privacy and Disclosure
G-401 WHR
6401 Security Boulevard
Baltimore, Maryland 21235
Via online portal

Freedom of Information Act Office
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, D.C 20229-1181
Mail Stop 1181
Via online portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation (“DFF”) requests that your agency produce the following within twenty (20) business days:

All draft or final copies of Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), service agreements, or other similar agreement with your agency and the Department of Government Efficiency (“DOGE”) (also known as the U.S. “DOGE” (previously “Digital”) Service). This would include, but is not limited to, agreements concerning the detailing of personnel affiliated with DOGE and considering sharing information with personnel affiliated with DOGE; the costs associated with agencies reimbursing DOGE for work done by personnel affiliated with DOGE; and scopes of work that detail how DOGE will operate within the agency.

This request seeks records from January 20, 2025 until the date of the search.

Democracy Forward expects this request for a set of readily identifiable records regarding a high-profile matter will be assigned to the Simple processing track.

Scope of Search

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period,

we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 39 C.F.R. § 265.9, DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see id.*, or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public’s understanding of Trump administration actions, including those surrounding the influence of Elon Musk and DOGE on operations at our nation’s federal agencies. Indeed, records received by Democracy Forward have previously formed the basis of news reports.¹

¹ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>;

Democracy Forward is not filing this request to further any commercial interest, and any information obtained by Democracy Forward as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron,'* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043



FOIA Requests <foia@democracyforward.org>

Your CDC FOIA Request #25-00653-FOIA

1 message

lyk7@cdc.gov <lyk7@cdc.gov>
To: foia@democracyforward.org

Thu, Jan 23, 2025 at 4:31 PM

January 23, 2025

Request Number: 25-00653-FOIA

Dear Ms. Perryman:

This is regarding your Freedom of Information Act (FOIA) request of January 22, 2025, for:

All SF-52 Requests for Personnel Action which were issued, sent, or signed from January 20, 2025 to January 24, 2025.

Please see the attached letter.

Sincerely,
CDC/ATSDR FOIA Office
770-488-6399



Acknowledgement (Complex) 30 Days.pdf
126K



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

January 23, 2025

Skye Perryman
President & Chief Executive Officer
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C., 20043
Via email: foia@democracyforward.org

Dear Ms. Perryman:

The Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) received your Freedom of Information Act (FOIA) request dated January 22, 2025 for (as aggregated):

All SF-52 Requests for Personnel Action which were issued, sent, or signed from January 20, 2025 to January 24, 2025.

1. All appointment memoranda and removal memoranda appointing or removing individuals to or from positions within the agency issued or signed from January 20, 2025, until the date of the search.
2. Any document compiling or reflecting the incoming personnel actions to be taken by the incoming Trump Administration upon assumption of office, such as a list or spreadsheet designating individuals for appointment, assignment, removal, or demotion. Please include documents that were created or came into the agency's possession from November 7, 2024 until the date of the search.

Your request was assigned #25-00653-FOIA and placed in our complex processing queue.

Extension of Time

In unusual circumstances, an agency can extend the twenty-working-day limit to respond to a FOIA request.

We will require more than thirty working days to respond to your request because:

- We reasonably expect to receive and review voluminous and complex records in response to your request
- We reasonably expect to consult with two or more Centers/Institutes/Offices

If you have any questions or wish to discuss reformulation of your request or an alternative time frame for the processing of your request, please contact the analyst handling your request Sarah Haldeman at 770-488-4019 or by email at lyk7@cdc.gov. You may also contact our FOIA Public Liaison, Bruno Viana, at 770-488-6246. Additionally, you may contact the Office of Government Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services; National Archives and Records Administration; 8601 Adelphi Road-OGIS; College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Page 2 -- Skye Perryman

Expedited Processing

You requested that we expedite processing your request. Your request is denied because:

- You have failed to show that there is an imminent threat to the life or physical safety of an individual.

Fees and Fee Waivers

You requested that we waive fees associated with processing your request. Your request is granted.

Appeal Rights

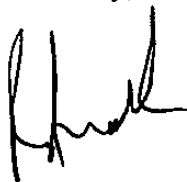
You have the right to appeal the agency's expedited processing response to your request. You may file your appeal with the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, via the online portal at <https://requests.publiclink.hhs.gov/App/Index.aspx>. Your appeal must be electronically transmitted by April 23, 2025.

You may check on the status of your case on our FOIA webpage <https://foia.cdc.gov/app/Home.aspx> and entering your assigned request number. If you have any questions regarding your request, please contact Sarah Haldeman at 770-488-4019 or lyk7@cdc.gov.

We reasonably anticipate that you should receive a final response by April 15, 2025.

Please know that this date roughly estimates how long it will take the Agency to close requests ahead of your request in the queue and complete work on your request. The actual date of completion might be before or after this estimated date.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Andoh', with a stylized flourish at the end.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
(770) 488-6399
Fax: (404) 235-1852

25-00653-FOIA



Your CDC FOIA Request #25-00654-FOIA

1 message

lyk7@cdc.gov <lyk7@cdc.gov>
To: foia@democracyforward.org

Mon, Jan 27, 2025 at 10:20 AM

January 27, 2025

Request Number: 25-00654-FOIA

Dear Ms. Perryman:

This is regarding your Freedom of Information Act (FOIA) request of January 22, 2025, for:

1. All appointment memoranda and removal memoranda appointing or removing individuals to or from positions within the agency issued or signed from January 20, 2025, until the date of the search.
2. Any document compiling or reflecting the incoming personnel actions to be taken by the incoming Trump Administration upon assumption of office, such as a list or spreadsheet designating individuals for appointment, assignment, removal, or demotion. Please include documents that were created or came into the agency's possession from November 7, 2024 until the date of the search.

Please see the attached letter.

Sincerely,
CDC/ATSDR FOIA Office
770-488-6399



Acknowledgement (Complex) Within 30 days.pdf
102K



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

January 27, 2025

Skye Perryman
President & Chief Executive Officer
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C., 20043
Via email: foia@democracyforward.org

Dear Ms. Perryman:

This letter is our final response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of January 4, 2025 assigned 25-00654-FOIA for the following request:

1. All appointment memoranda and removal memoranda appointing or removing individuals to or from positions within the agency issued or signed from January 20, 2025, until the date of the search.
2. Any document compiling or reflecting the incoming personnel actions to be taken by the incoming Trump Administration upon assumption of office, such as a list or spreadsheet designating individuals for appointment, assignment, removal, or demotion. Please include documents that were created or came into the agency's possession from November 7, 2024 until the date of the search.

We have administratively closed this request because it has been aggregated with your request, assigned 25-00653-FOIA.

You may contact our FOIA Public Liaison, Bruno Viana, at 770-488-6246 to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer

Page 2 – Skye Perryman

(770) 488-6399
Fax: (404) 235-1852

25-00654-FOIA



Your CDC FOIA Request #25-00796-FOIA

1 message

lyk7@cdc.gov <lyk7@cdc.gov>
To: foia@democracyforward.org

Thu, Feb 13, 2025 at 1:19 PM

February 13, 2025

Request Number: 25-00796-FOIA

Dear Ms. Perryman:

This is regarding your Freedom of Information Act (FOIA) request of February 11, 2025, for:

1. All SF-50 Notifications for Personnel Action or SF-52 Requests for Personnel Action which were issued, sent, or signed from January 20, 2025 through the date of the search for any political appointees or special government employees. DFF expects that this request for readily identifiable form documents issued over the course of a short period of time can be assigned to the Simple processing track and produced expeditiously, in addition to receiving expedited processing.
2. All appointment memoranda and removal memoranda appointing or removing individuals to or from positions within the agency issued or signed from January 20, 2025, until the date of the search.
3. Any document compiling or reflecting the incoming personnel actions to be taken by the incoming Trump Administration upon assumption of office, such as a list or spreadsheet designating individuals for appointment, assignment, removal, or demotion. Please include documents that were created or came into the agency's possession from November 7, 2024 until the date of the search..

Please see the attached letter.

Sincerely,
CDC/ATSDR FOIA Office
770-488-6399

Acknowledgement (Complex) 30 Days.pdf
114K



February 13, 2025

Skye Perryman
President & Chief Executive Officer
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C., 20043
Via email: foia@democracyforward.org

Dear Ms. Perryman:

The Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) received your Freedom of Information Act (FOIA) request dated February 11, 2025 for:

1. All SF-50 Notifications for Personnel Action or SF-52 Requests for Personnel Action which were issued, sent, or signed from January 20, 2025 through the date of the search for any political appointees or special government employees.
2. All appointment memoranda and removal memoranda appointing or removing individuals to or from positions within the agency issued or signed from January 20, 2025, until the date of the search.
3. Any document compiling or reflecting the incoming personnel actions to be taken by the incoming Trump Administration upon assumption of office, such as a list or spreadsheet designating individuals for appointment, assignment, removal, or demotion. Please include documents that were created or came into the agency's possession from November 7, 2024 until the date of the search.

Your request was assigned #25-00796-FOIA and placed in our Expedited processing queue.

If you have any questions or wish to discuss reformulation of your request or an alternative time frame for the processing of your request, please contact the analyst handling your request Sarah Haldeman at 770-488-4019 or by email at lyk7@cdc.gov. You may also contact our FOIA Public Liaison, Bruno Viana, at 770-488-6246. Additionally, you may contact the Office of Government Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services; National Archives and Records Administration; 8601 Adelphi Road-OGIS; College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Expedited Processing

You requested that we expedite processing your request. Your request is granted and your FOIA request will be processed as quickly as possible.

Fees and Fee Waivers

You requested that we waive fees associated with processing your request. Your request is granted.

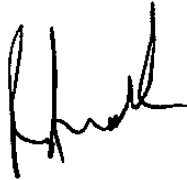
Page 2 -- Skye Perryman

You may check on the status of your case on our FOIA webpage <https://foia.cdc.gov/app/Home.aspx> and entering your assigned request number. If you have any questions regarding your request, please contact Sarah Haldeman at 770-488-4019 or lyk7@cdc.gov.

We reasonably anticipate that you should receive a final response by May 6, 2025.

Please know that this date roughly estimates how long it will take the Agency to close requests ahead of your request in the queue and complete work on your request. The actual date of completion might be before or after this estimated date.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Andoh', with a stylized flourish at the end.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
(770) 488-6399
Fax: (404) 235-1852

25-00796-FOIA



Your CDC FOIA Request #25-00992-FOIA

ult5@cdc.gov <ult5@cdc.gov>

Fri, Mar 21, 2025 at 9:48 AM

To: foia@democracyforward.org

March 21, 2025

Request Number: 25-00992-FOIA

Dear Ms. Perryman:

This is regarding your Freedom of Information Act (FOIA) request of March 20, 2025, for Democracy Forward Foundation ("DFF") requests that your agency produce the following within twenty (20) business days: Records sufficient to show the completion of ethics forms, including but not limited to ethics pledges, ethics agreements, financial disclosures and disclosure agreements, or ethics waivers for any special government employees or detailees from or affiliated with the U.S. DOGE Service or "Department of Government Efficiency" ("DOGE"). This would include both employees or affiliates of DOGE from the Executive Office of the President as well as those based in another agency. The timeframe for the above searches should be from January 20, 2025 until the date of the search..

Please see the attached letter.

Sincerely,
CDC/ATSDR FOIA Office
770-488-6399



Acknowledgement (Complex) Within 30 days.pdf

144K



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

March 21, 2025

Skye Perryman
P.O. Box 34553
Washington, DC 20043
Via email: foia@democracyforward.org

Dear Ms. Perryman:

The Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) received your Freedom of Information Act (FOIA) request dated March 20, 2025 for:

Democracy Forward Foundation (“DFF”) requests that your agency produce the following within twenty (20) business days:

Records sufficient to show the completion of ethics forms, including but not limited to ethics pledges, ethics agreements, financial disclosures and disclosure agreements, or ethics waivers for any special government employees or detailees from or affiliated with the U.S. DOGE Service or “Department of Government Efficiency” (“DOGE”). This would include both employees or affiliates of DOGE from the Executive Office of the President as well as those based in another agency.

The timeframe for the above searches should be from January 20, 2025 until the date of the search.

Your request was assigned #25-00992-FOIA and placed in our complex processing queue.

Extension of Time

In unusual circumstances, an agency can extend the twenty-working-day limit to respond to a FOIA request.

We will require an additional ten-working-days to respond to your request because:

X We reasonably expect to consult with two or more C/I/O/s, or another HHS operating division or another federal agency about your request.

To process your request promptly, please consider narrowing the scope of your request to limit the number of responsive records. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request Rachel Friend at ult5@cdc.gov or (404) 639-4958 or our FOIA Public Liaison, Roger Andoh at 770-488-6277. Additionally, you may contact the Office of Government Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services;

Page 2 – Skye Perryman

National Archives and Records Administration; 8601 Adelphi Road-OGIS; College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

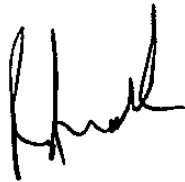
Fees and Fee Waivers

You requested that we waive fees associated with processing your request. Your request is granted.

You may check on the status of your case on our FOIA webpage <https://foia.cdc.gov/app/Home.aspx> and entering your assigned request number. If you have any questions regarding your request, please contact Rachel Friend at ult5@cdc.gov or (404) 639-4958.

We reasonably anticipate that you should receive a final response by April 30, 2025. Please know that this date roughly estimates how long it will take the agency to close requests ahead of your request in the queue and complete work on your request. The actual date of completion might be before or after this estimated date.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Andoh', with a stylized flourish at the end.

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
(770) 488-6399
Fax: (404) 235-1852

25-00992-FOIA



FOIA Requests <foia@democracyforward.org>

Request Acknowledgement by Centers for Disease Control and Prevention / Agency for Toxic Substances and Disease Registry

1 message

foiarequests@cdc.gov <foiarequests@cdc.gov>
To: foia@democracyforward.org

Mon, Apr 7, 2025 at 1:49 PM

Dear Skye Perryman,

Case Number 25-01110-FOIA has been assigned to the request you submitted. In all future correspondence regarding this request please reference case number 25-01110-FOIA.

Regards,
Centers for Disease Control and Prevention / Agency for Toxic Substances and Disease Registry



FOIA Requests <foia@democracyforward.org>

Status Update for Request #25-01110-FOIA

1 message

foiarequests@cdc.gov <foiarequests@cdc.gov>
To: foia@democracyforward.org

Mon, Apr 7, 2025 at 1:49 PM

Dear Perryman, Skye,

The status of your FOIA request #25-01110-FOIA has been updated to the following status 'Received'. To log into the CDC FOIA Public Access Link click on the Application URL below.

<https://foia.cdc.gov/>

Sincerely,

Centers for Disease Control and Prevention / Agency for Toxic Substances and Disease Registry

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF ANDREA ISSOD

I, ANDREA ISSOD, declare as follows:

1. The Sierra Club submits this declaration in response to the Court's May 13, 2025 interest in updated factual information concerning Freedom of Information Act ("FOIA") compliance at the Centers for Disease Control and Prevention ("CDC") and the Department of Health and Human Services ("HHS") and in support of Plaintiff's Motion for Preliminary Injunction, ECF 13.

2. I am a Senior Attorney in the Sierra Club's Environmental Law Program. The facts set forth in this Declaration are true and of my own personal knowledge or based on a review of Sierra Club's business records generated in connection with Sierra Club's work.

3. The Sierra Club is the nation's oldest grassroots organization with more than 1.5 million members and supporters nationwide. Sierra Club has spent years promoting the public interest through the development of policies that protect human health and the environment.

4. Part of my work as a Senior Attorney in the Sierra Club's Environmental Law Program includes identifying the Sierra Club's information needs, drafting FOIA requests, tracking requests to ensure timely responses, and litigating FOIA actions when needed.

5. Sierra Club disseminates the information it receives through FOIA requests in a variety of ways, including: analysis and distribution to the media, distribution through publication and mailing, posting on its website, emailing and list serve distribution to our members across the U.S., and via public meetings and events.

6. On April 1, 2025, Sierra Club submitted a FOIA request to the CDC that remains pending. A true and correct copy of this request is included as Exhibit A.

7. The request was submitted via email according Defendants' then-existing instructions to email FOIA requests to the CDC at: FOIARequests@cdc.gov.

8. Sierra Club's FOIA request seeks information concerning specific CDC databases and applications related to CDC public health assessments and environmental risk evaluations. The request includes widely used government data tools like the National Environmental Public Tracking Network that collects asthma and air quality data.

9. On April 1, in response to the submission of its FOIA request, Sierra Club received an automated email from FOIARequests@cdc.gov stating "Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails." A true and correct copy of this email is attached as Exhibit B.

10. Sierra Club has received no further contact from Defendants since receiving their automated email. Defendants' deadline to issue an initial determination on Sierra Club's FOIA request expired on April 29, 2025.

11. After receiving that automated email, Sierra Club received information from news stories and other sources indicating that the Defendants had terminated CDC's FOIA staff

12. We have received no additional communication from Defendants concerning our pending FOIA request. We are unsure when or whether we will receive the requested records with the elimination of the CDC FOIA office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 20, 2025

A handwritten signature in black ink, appearing to read "Andrea Issod", written over a horizontal line.

Andrea Issod

Exhibit A



April 1, 2025

Submitted via email to FOIARequests@cdc.gov

CDC/ATSDR FOIA Office

Re: Freedom of Information Act Request

This request is submitted under the Freedom of Information Act, 5 U.S.C. § 552, as amended (“FOIA”), and the U.S. Department of Health and Human Services (“HHS”) regulations at 45 C.F.R. § 5.1, *et seq.* Sierra Club is a leading non-governmental organization seeking to educate and mobilize the public on issues of climate change, fossil fuel energy and clean energy, as well as the organization’s long-standing interest in government accountability and transparency.

REQUESTED RECORDS¹

Sierra Club requests the native files, source code, documentation and other relevant information for the specific databases/applications that are available through the websites listed below, as of March 31, 2025, such that they can be reproduced by third parties in the event they become publicly unavailable:

1. All data and records available through the National Environmental Public Health Tracking Network, at <https://ephtracking.cdc.gov/DataExplorer/> ;
2. All data and records available at CDC Heat & Health Tracker, at <https://ephtracking.cdc.gov/Applications/heatTracker/> ;
3. All data and records available at CDC Places, at <https://www.cdc.gov/places/index.html> ;
4. All data and records available at CDC Health Hazard Evaluations, at <https://www2a.cdc.gov/hhe/search.asp> ;

¹ “Records” means information of any kind, including writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, memoranda, correspondence, notes, applications, completed forms, studies, reports, reviews, guidance documents, policies, telephone conversations, telefaxes, emails, documents, databases, source computer code, data, drawings, graphs, charts, photographs, minutes of meetings, electronic and magnetic recordings of meetings, and any other compilation of data from which information can be obtained. Without limitation, the records requested include records relating to the topics described below at any stage of development, whether proposed, draft, pending, interim, final or otherwise.

DUTY TO PRESERVE RECORDS

CDC must preserve all the records requested herein while this FOIA is pending or under appeal. 40 C.F.R. § 2.106 (“[r]ecords shall not be disposed of while they are the subject of a pending request, appeal, or lawsuit under the FOIA”); *see Chambers v. U.S. Dep’t of Interior*, 568 F.3d 998, 1004 (D.C. Cir. 2009) (“an agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under FOIA or the Privacy Act”).

Accordingly, **please immediately advise custodians of potentially responsive records that the above records have been requested under FOIA and therefore may not be destroyed.**

If any of the requested records are destroyed, the agency and responsible officials are subject to attorney fee awards and sanctions, including fines and disciplinary action. A court held EPA in contempt for “contumacious conduct” and ordered the agency to pay plaintiff’s costs and fees for destroying “potentially responsive material contained on hard drives and email backup tapes.” *Landmark Legal Found. v. EPA*, 272 F.Supp.2d 59, 62 (D.D.C. 2003); *see also Judicial Watch, Inc. v. Dep’t of Commerce*, 384 F. Supp. 2d 163, 169 (D.D.C. 2005) (awarding attorneys’ fees and costs because, among other factors, agency’s “initial search was unlawful and egregiously mishandled and ...likely responsive documents were destroyed and removed”), *aff’d in relevant part*, 470 F.3d 363, 375 (D.C. Cir. 2006) (remanding in part to recalculate attorney fees assessed). In another case, in addition to imposing a \$10,000 fine and awarding attorneys’ fees and costs, the court found that an Assistant United States Attorney prematurely “destroyed records responsive to [the] FOIA request while [the FOIA] litigation was pending” and referred him to the Department of Justice’s Office of Professional Responsibility. *Jefferson v. Reno*, 123 F. Supp. 2d 1, 6 (D.D.C. 2000).

EXEMPT RECORDS

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information for the Sierra Club to appeal the denial. To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of the records requested are exempt from disclosure, we request that you segregate the exempt portions and deliver the non-exempt portions of such records to

my attention at the address below within the statutory time limit. 5 U.S.C. § 552(b).

FORMAT OF REQUESTED RECORDS

Under FOIA, you are obligated to provide records in the format requested if the record is readily reproducible by the agency in that format. See, e.g., 5 U.S.C. § 552(a)(3)(B). We request that you provide electronic documents individually, and not as batched files. Specifically, for any document stored as Electronically Stored Information (ESI), we request that the document be produced in the native file type. This includes e-mail (whether sent, received or drafted), word-processing files, tables, charts, graphs and database files, electronic calendars, proprietary software files, and spreadsheets. ESI can also be provided in the form of a load file that includes a common file type (TIFF, HTML, PDF) while maintaining access to the native file and its source data, including the ability to keyword search documents.

Please provide the source code for databases and computer programs, and data, along with relevant instructions for constructing/compiling/maintaining these programs in a native format in a manner that supports duplication.

For any text files, please provide all records in an electronic .pdf format that is text-searchable and OCR-formatted. Portfolios and embedded files within files are not readily accessible. Please do not provide the records in a single, or “batched,” .PDF file format.

RECORD DELIVERY

We appreciate a prompt determination on the requested records. As mandated in FOIA, we anticipate a reply within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 45 C.F.R. § 5.24(b). Please email copies of the requested records to the e-mail address below. Please deliver documents that are not available in an electronic format to the physical address below. Failure to comply within the statutory timeframe may result in Sierra Club filing an action before the relevant U.S. District Court to ensure timely receipt of the requested materials.

Deliver electronic documents to:

Andrea Issod
[REDACTED]

Deliver other documents to:

Andrea Issod
[REDACTED]

Please send documents on a rolling basis. CDC’s search for—or deliberations concerning—certain records should not delay the production of others that CDC has already retrieved and elected to produce. *See generally* 45 C.F.R. § 5.24 (describing response deadlines).

FEE WAIVER REQUEST

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.54.²

Sierra Club is the nation's oldest grassroots organization with more than 1.5 million members and supporters nationwide. Sierra Club has spent years promoting the public interest through the development of policies that protect human health and the environment, and has routinely received fee waivers under FOIA.³

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *U.S. Dep't of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as Sierra Club access to government records without the payment of fees. *Ettlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984) (fee waiver provision intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and non-profit public interest groups.").

As explained below, this FOIA request satisfies the factors listed in CDC's governing regulations for waiver or reduction of fees, as well as the requirements for a fee waiver under the FOIA statute – that "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii), *see also* 45 C.F.R. § 5.54.

1. The subject matter of the requested records specifically concerns identifiable "operations and activities of the government."

² With the award-winning Sierra magazine and its extensive use of blogs to communicate with the public, Sierra Club would also be eligible for a fee waiver as a media requestor. 5 U.S.C. § 552(a)(4)(A)(ii); 40 C.F.R. § 2.107(c)(1)(iii); *see also* 40 C.F.R. § 2.107(b)(6) (defining "[r]epresentative of the news media"). A representative of the news media is "any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii); *see also Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 6, 11-15 (D.D.C. 2003) (a "non-profit public interest organization" qualifies as a representative of the news media under FOIA where it publishes books and newsletters on issues of current interest to the public).

³ For example, *see* FOIA Request Reference No. 2024-EPA-05254 (fee letter waiver received July 10, 2024); FOIA Request Reference No. EPA-HQ-2017-008402 (fee letter waiver received June 26, 2017); FOIA Request Reference No. EPA-HQ-2017-008571 & EPA-HQ-2017-008581 (fee letter waiver received June 27, 2017); FOIA Request Reference No. EPA-HQ-2017-008568 (fee letter waiver received June 28, 2017).

The requested records relate to data on climate, pollution and public health that CDC currently maintains on publicly available websites. These activities are “identifiable operations or activities of the government.” The Department of Justice Freedom of Information Act Guide expressly concedes that “in most cases records possessed by a federal agency will meet this threshold” of identifiable operations or activities of the government. There can be no question that this is such a case.

2. The disclosure of the requested documents would be meaningfully informative and “likely to contribute to an understanding of Federal government operations or activities.”

The FOIA Guide makes it clear that, in the Department of Justice’s view, the “likely to contribute” determination hinges in part on whether the requested documents provide information that is not already in the public domain. Although they are currently available in the public domain, the requested records are “likely to contribute” to an understanding of your agency’s activities and decisions if they are provided to Sierra Club in the requested format that is easily downloaded in bulk. There is legitimate cause for concern that the Trump Administration will soon make some or all of this data unavailable to the public. Further, a large portion of the data is only available piecemeal through individual queries on the CDC’s current websites, so the entire set that is requested herein is not already easily accessible. This information will facilitate meaningful public participation in the decision-making process, therefore fulfilling the requirement that the documents requested be “meaningfully informative” and “likely to contribute” to an understanding of your agency.

3. The disclosure would contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons.

Sierra Club has longstanding experience and expertise in the subject area of the FOIA requests related to environment and public health, including issues related to government accountability and transparency, and the activities that properly fall within the mission of the CDC.

Sierra Club disseminates the information it receives through FOIA requests in a variety of ways, including: analysis and distribution to the media, distribution through publication and mailing, posting on its website, emailing and list serve distribution to our members across the U.S., and via public meetings and events. Every year the Sierra Club website receives over 15 million page views by 5,492,373 users; on average, the site gets 39,000 visits per day. *Sierra* is a quarterly magazine with a printed circulation of approximately 440,000 copies. An additional 50,000 Sierra Club members receive a "tree-free" digital replica edition. Sierra publishes online daily at www.sierramagazine.org and reaches about 125,000 readers a month, most of whom are not Sierra Club members or supporters. Sierra Club Insider, an electronic newsletter, is sent to over 2.2 million people twice a month. In addition, Sierra Club disseminates information obtained by

FOIA requests through comments to administrative agencies, and where necessary, through the judicial system.⁴

Sierra Club intends to share the information received from this FOIA request with the general public, our impacted members across the country, the media and our allies who share a common interest in the operations of the CDC.

Sierra Club unquestionably has the “specialized knowledge” and “ability and intention” to disseminate the information requested in the broad manner outlined above, and to do so in a manner that contributes to the understanding of the “public-at-large.”

4. The disclosure would contribute “significantly” to public understanding of government operations or activities.

The records requested will contribute to the public understanding of the CDC’s “operations and activities,” as the requested records includes CDC data that informs its policy decisions like surveys, reports, guidance, and collected information on the environment and public health. The disclosure of the requested records is essential to the public’s understanding of CDC’s operations and activities. After disclosure of these records, the public understanding of CDC’s activities will be significantly enhanced. The requirement that disclosure must contribute “significantly” to the public understanding is therefore met.

5. The requester has no commercial interest that would be furthered by the requested disclosure.⁵

Sierra Club has no commercial interest in the requested records. Nor does it have any intention to use these records in any manner that “furthers a commercial, trade, or profit interest” as those terms are commonly understood. Sierra Club is a nonprofit, tax-exempt organization under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, and as such has no commercial interest. The requested records will be used for the furtherance of Sierra Club’s mission to inform the public on matters of vital importance to the environment and public health.

Sierra Club respectfully requests that CDC waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4)(A) because the public will be the primary beneficiary of this requested information. In the event that your agency denies a fee waiver, please send a written explanation

⁴ Sierra Club’s Freedom of Information Act work has been nationally recognized for its success in exposing corruption and extremism during the first Trump Administration. Former EPA Administrator Scott Pruitt and Chief Air Quality official Bill Wehrum resigned due in part to information exposed through Sierra Club’s Freedom of Information requests; <https://thehill.com/policy/energy-environment/396000-ex-aide-says-hell-take-credit-for-pruitts-downfall>, <https://slate.com/technology/2018/07/scott-pruitt-how-the-sierra-club-declared-war-on-the-epa-head-and-won.html>, <https://www.washingtonpost.com/climate-environment/2019/06/26/epas-top-air-policy-official-steps-down-amid-scrutiny-over-possible-ethics-violations/>.

⁵ Because Sierra Club has no commercial interest, the Club also satisfies the final factor for a fee waiver, which compares the magnitude of an identified commercial interest to the public interest in disclosure.

for the denial. Please do not incur expenses beyond \$250 without first contacting our office for explicit authorization.

Thank you for your cooperation. If you find that this request is unclear in any way please do not hesitate to call me to see if I can clarify the request or otherwise expedite and simplify your efforts to comply.

/s/ Andrea Issod

Andrea Issod

A large black rectangular redaction box covers the signature and any accompanying text or contact information that might have been present.

Exhibit B



Andrea Issod [REDACTED]

Automatic reply: FOIA request for website information

FOIA Requests (CDC) <foiarequests@cdc.gov>

Tue, Apr 1, 2025 at 2:32 PM

To: Andrea Issod <[REDACTED]>

Hello, the FOIA office has been placed on admin leave and is unable to respond to any emails.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

DECLARATION OF ANISHA N. HINDOCHA

I, Anisha N. Hindocha, declare as follows:

1. American Oversight submits this declaration in response to the Court's interest, expressed at the Preliminary Injunction hearing held on May 13, 2025, in updated factual information concerning Freedom of Information Act ("FOIA") compliance at the Centers for Disease Control and Prevention ("CDC") and the Department of Health and Human Services ("HHS") and in support of Plaintiff's Motion for Preliminary Injunction, ECF 13.

2. I have been employed with American Oversight since 2020, currently as Deputy Research Director at American Oversight, and previously as Researcher and then Senior Researcher. In each of my roles at American Oversight, I have been responsible for, among other things: drafting FOIA requests and other public records requests; reviewing draft FOIA and public records requests prepared by other staff members; consulting with American Oversight attorneys concerning discussions and negotiations with FOIA and public records officers, including sometimes joining calls between American Oversight and FOIA or public records officers about American Oversight's records requests; and reviewing records and correspondence American Oversight receives in response to its FOIA and other public records requests.

3. The facts set forth in this Declaration are true and of my own personal knowledge or based on a review of American Oversight's business records generated in connection with American Oversight's work.

4. American Oversight is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information gathered, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media.

5. Since its founding, American Oversight has submitted approximately 13,900 requests for public records, including approximately 7,000 federal FOIA requests.

6. In 2025 so far, American Oversight has submitted an additional twelve requests to the U.S. Centers for Disease Control and Prevention ("CDC").

7. Of these twelve FOIA requests, seven were submitted before the reported closure of CDC's FOIA Office on April 1, 2025. For each of these seven requests, American Oversight received some communications from CDC, and in many cases, final responses. As described in more detail below, for the five requests submitted after April 1, 2025, American Oversight has received from CDC an acknowledgment of only one of those requests and no communications at all for the other four.

8. American Oversight generates certain business records through the course of its regularly conducted activities of submitting FOIA and public records requests. Specifically, at or near the time each FOIA or public records request is submitted, American Oversight staff responsible for and with direct knowledge of submitting each request customarily assigns an

internal tracking number (AO FOIA #) to each request, creates an entry for that request in an internal database referencing the AO FOIA #, and saves the request to a folder labeled with the AO FOIA # in an internal file management system. Subsequently, American Oversight staff logs and saves correspondence about the request in the relevant folder at or near the time the correspondence is sent or received.

Outstanding FOIA Request AO FOIA # CDC-25-0084

9. On January 23, 2025, American Oversight submitted a request to CDC via email at foiarequests@cdc.gov seeking (1) communications between CDC officials and external parties, and (2) communications from CDC officials containing key terms related to the H5N1 avian influenza.

10. Between January and March 2025, American Oversight received correspondence from CDC FOIA staff, including one interim response to this request.

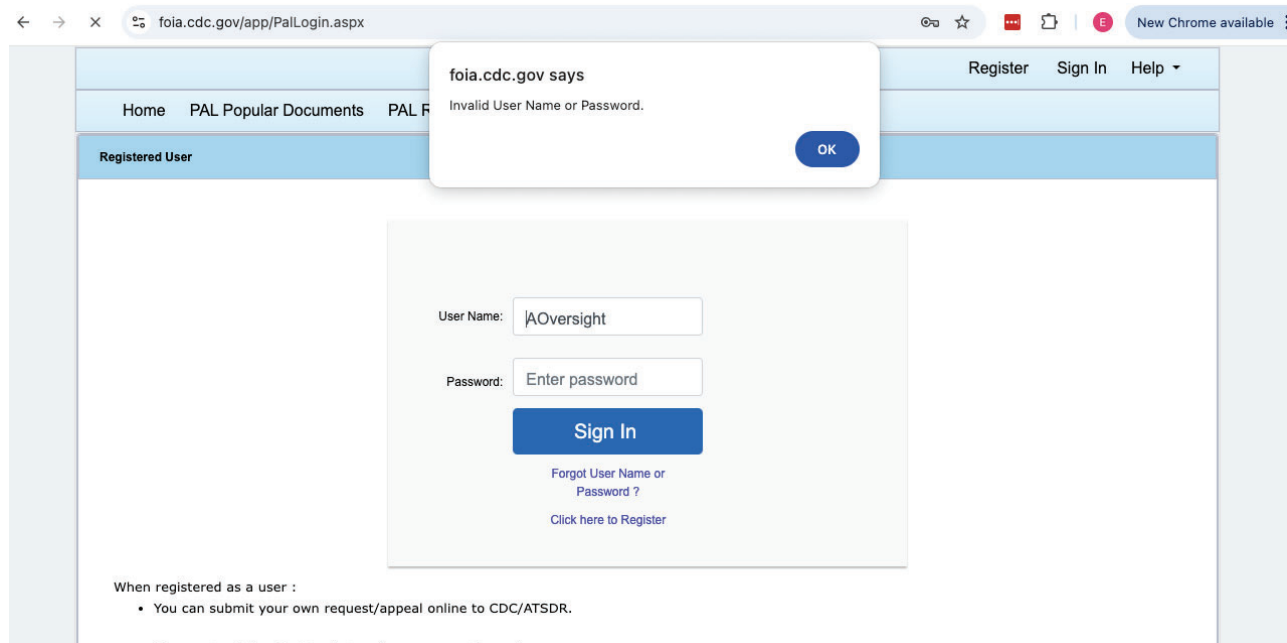
11. However, when American Oversight emailed a CDC FOIA staff member on April 1, 2025, to follow up about the status of additional responsive records, American Oversight received what appeared to be an automated email response stating, “Hello. I am not in the office and on administrative leave. Thank you and have a good day.”

12. Since April 1, 2025, there have been no additional communications from CDC about this request.

Outstanding FOIA Request AO FOIA # CDC-25-0768

13. On April 7, 2025, a member of American Oversight’s staff attempted to submit an additional FOIA request to CDC seeking (1) communications between CDC officials and external parties, and (2) communications to or from CDC officials containing key terms related to watch lists and ideologies. American Oversight attempted to submit its request via CDC’s online request submission portal, the method used to submit some of American Oversight’s previous requests to

CDC. However, American Oversight received a notice (see below) that its login credentials were not accurate, and password reset options were not working.



14. On April 11, 2025, at 2:48pm, American Oversight submitted this request via the federal-government-wide [FOIA.gov](https://www.foia.gov) portal. At 3:40pm, American Oversight received two emails from foiarequests@cdc.gov that appeared to be automated messages. One email stated “Case Number 25-01140-FOIA has been assigned to the request you submitted. In all future correspondence regarding this request please reference case number 25-01140-FOIA.” The other email stated, “The status of your FOIA request #25-01140-FOIA has been updated to the following status 'Received'. To log into the CDC FOIA Public Access Link click on the Application URL below.” The email provided a link to <https://foia.cdc.gov/>, which hosts CDC’s non-functioning online request submission portal.

15. Since these April 11 messages, there have been no additional communications from CDC about this request.

Outstanding FOIA Request AO FOIA # HHS-(CDC)-25-1148

16. On April 23, 2025, American Oversight submitted a request to CDC and HHS

headquarters seeking records related to the reported closure of CDC's FOIA Office; the request sought records from both HHS and CDC. The request to CDC was submitted by email at foiarequests@cdc.gov and also via the federal-government-wide [FOIA.gov](https://www.foia.gov) portal, directed to CDC. The request to HHS was submitted via the federal-government-wide [FOIA.gov](https://www.foia.gov) portal, directed to the Office of the HHS Secretary.

17. American Oversight received an acknowledgment of the request from HHS on April 23, 2025.

18. To date, American Oversight has not received any acknowledgment or other correspondence from CDC about this request.

Outstanding FOIA Request AO FOIA # HHS-(CDC)-25-1153

19. On April 23, 2025, American Oversight submitted a request to CDC and HHS headquarters seeking records related to the reductions in force at HHS and CDC; the request sought records from both HHS and CDC. The request to CDC was submitted by email at foiarequests@cdc.gov and also via the federal-government-wide [FOIA.gov](https://www.foia.gov) portal, directed to CDC. The request to HHS was submitted via the federal-government-wide [FOIA.gov](https://www.foia.gov) portal, directed to the Office of the HHS Secretary.

20. American Oversight received an acknowledgment of the request from HHS on April 23, 2025.

21. To date, American Oversight has not received any acknowledgment or other correspondence from CDC about this request.

Outstanding FOIA Request AO FOIA # HHS-(CDC)-25-1208

22. On April 30, 2025, American Oversight submitted a request to CDC via federal-government-wide [FOIA.gov](https://www.foia.gov) portal seeking records related to access to sensitive data at the agency.

23. To date, American Oversight has not received any acknowledgment or other

correspondence from CDC about this request.

Outstanding FOIA Request AO FOIA # HHS-(CDC)-25-1321

24. On May 16, 2025, American Oversight submitted a request to CDC via federal-government-wide [FOIA.gov](https://www.foia.gov) portal seeking records related to restructuring of offices at the agency.

25. To date, American Oversight has not received any acknowledgment or other correspondence from CDC about this request.

CONCLUSION

26. As described above, American Oversight has been unable to communicate with CDC about open requests since April 1, 2025, and we have not even received acknowledgments of requests submitted after April 11, 2025.

27. None of the six pending requests with CDC have been issued a complete determination within the statutory deadline, and most have not even received an acknowledgment from CDC. In light of the closure of the CDC FOIA Office, we are unsure when or whether we will receive the requested records.

28. These challenges are impacting American Oversight's mission, which depends on its abilities to obtain records through FOIA requests, and we anticipate they may have future negative impacts on our work.

29. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2025
Apache Junction, AZ

Anisha Hindocha
Anisha N. Hindocha

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

Plaintiff,

v.

**U.S. CENTERS FOR DISEASE
CONTROL AND PREVENTION, et al.,**

Defendants.

Civil Action No. 25-01020 (TJK)

SUPPLEMENTAL DECLARATION OF DARYA MINOVI

I, DARYA MINOVI, declare as follows:

1. In response to the Court’s May 13, 2025 interest in updated factual information concerning Freedom of Information Act (“FOIA”) compliance at the Centers for Disease Control and Prevention (“CDC”) and the Department of Health and Human Services (HHS), the Union of Concerned Scientists (“UCS”) submits following Supplemental Declaration supplementing its April 15, 2025 declaration, ECF 13-19, supporting Plaintiff’s Motion for Preliminary Injunction, ECF 13.

2. The facts set forth in this Supplemental Declaration are true and of my own personal knowledge or based on a review of UCS’s business records generated in connection with UCS’s work.

3. On March 11, 2025, UCS representatives submitted a FOIA request to CDC that remains pending. The request was submitted according Defendants’ then-existing instructions that “[a] FOIA request must be e-mailed to CDC at: FOIARequests@cdc.gov.”

4. UCS’s FOIA request seeks toxicological and epidemiological data. This data is used to inform ongoing work related to understanding the health effects of hazardous substances.

5. On March 27, 2025, UCS received via email an acknowledgement letter from the CDC FOIA office's Public Liaison, Roger Andoh, assigning the request tracking number 25-00954-FOIA. The acknowledgement letter is attached to this Supplemental Declaration as Exhibit A.

6. The acknowledgement letter stated "We reasonably anticipate that you should receive a final response by May 6, 2025."

7. To date, the request has yet to be fulfilled.

8. On April 14, UCS representatives called a known contact within the CDC's FOIA office, Jonesa Davis, to discuss narrowing the scope of the request, since the request had been marked complex by CDC. UCS representatives were able to leave a voicemail message, but have not received any response to date.

9. On April 16, UCS representatives called the number listed for Roger Andoh on the acknowledgement letter seeking an update on our request. There was no response and no voicemail box permitting us to leave a message.

10. We have received no additional communication from Defendants concerning our pending FOIA request. Our attempts to reach anyone responsible for processing our CDC FOIA requests have been unsuccessful. We are unsure when or whether we will receive the requested records with the elimination of the CDC FOIA office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 22, 2025



Darya Minovi

Exhibit A



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

March 27, 2025



Via email: [REDACTED]

Dear [REDACTED]:

The Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) received your Freedom of Information Act (FOIA) request dated March 11, 2025 for:

All records pertaining to draft, interim, and final work products under PIIDs 75D30121F00003, 75D30124F19135, and any other related contracts, orders, or agreements with Abt Global LLC and SRC Inc. awarded by HHS. These records include Microsoft Excel files, Microsoft Access files, Microsoft Word files, Tableau workbooks and packaged workbooks pertaining to the ATSDR Tox Dashboard, and related data files and data documentation.

Your request was assigned #25-00954-FOIA and placed in our complex processing queue.

Extension of Time

In unusual circumstances, an agency can extend the twenty-working-day limit to respond to a FOIA request.

We will require an additional ten-working-days to respond to your request because:

- We reasonably expect that records located would contain confidential commercial information. We are required to notify submitters of confidential information if their information is requested through a FOIA request. Submitters have 10 working days to object to the release of their information.

To process your request promptly, please consider narrowing the scope of your request to limit the number of responsive records. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request Jonesa Davis at 770-488-6067 or our FOIA Public Liaison, Roger Andoh at 770-488-6277. Additionally, you may contact the Office of Government Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services; National Archives and Records Administration; 8601 Adelphi Road-OGIS; College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-

Page 2 – [REDACTED]

5769.

Fees and Fee Waivers

Not billable

Fee Category

Because you are considered a “Non-Commercial Scientific requester,” you will not be charged fees unless you choose to receive any responsive records in hard copy (10 cents/page).

Cut-off-date

If you don’t provide us with a date range for your request, the cut-off date for your request will be the date the search for responsive records starts.

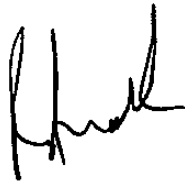
Appeal Rights

You have the right to appeal the agency’s fee waiver response to your request. You may file your appeal with the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, via the online portal at <https://requests.publiclink.hhs.gov/App/Index.aspx>. Your appeal must be electronically transmitted by June 25, 2025.

You may check on the status of your case on our FOIA webpage <https://foia.cdc.gov/app/Home.aspx> and entering your assigned request number. If you have any questions regarding your request, please contact Jonesa Davis at JADavis2@cdc.gov or at 770-488-6067.

We reasonably anticipate that you should receive a final response by May 6, 2025. Please know that this date roughly estimates how long it will take the agency to close requests ahead of your request in the queue and complete work on your request. The actual date of completion might be before or after this estimated date.

Sincerely,



Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
(770) 488-6399
Fax: (404) 235-1852

25-00954-FOIA