



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 10, 2024

Austin Evers

Sent via email: foia@americanoversight.org

Hello Mr. Evers,

This letter responds to your Freedom of Information Act (FOIA) request to the Office of Management and Budget (OMB) dated and received in this office on December 23, 2019, and assigned tracking number 2020-132. Your request seeks the "email message sent by Office of Management and Budget (OMB) Associate Director Michael Duffey to Department of Defense (DOD) official Elaine McCusker on September 11, 2019 at 9:52 PM with a subject line "re: Footnote," and the complete email chain preceding that message."

We apologize for the delay in responding to your FOIA request. OMB has a significant backlog of requests and we are doing our best to respond to each request as quickly as possible in the order they are received. In response to your FOIA request, we note that the particular email you seek was previously produced (with appropriate redactions pursuant to FOIA Exemptions 5 and 6) in FOIA litigation, *Center for Public Integrity v. U.S. Department of Defense, et al.*, No. 19-cv-03265 (D.D.C.). The material redacted under Exemption 5 consists of pre-decisional and deliberative intra- or inter-agency communications, the disclosure of which would inhibit the frank and candid expressions of views that are necessary for effective government decision-making. Under Exemption 6, certain portions of the materials have been redacted (such as phone numbers and email addresses) because their disclosure would constitute a clearly unwarranted invasion of personal privacy. We have reviewed the information protected by the cited exemptions under a presumption of openness, but have determined that it is reasonably foreseeable that the disclosure of the information would harm an interest protected by the applicable exemption.

Enclosed is a copy of the two-page email that was produced in connection with the case referenced above. We hope this information is helpful. Should you have any additional questions, you may contact the FOIA Requester Service Center or OMB's FOIA Public Liaison at 202-395-FOIA. 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: 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. You may also administratively appeal by



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

writing to OMB. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response.

Sincerely,

Tim Nusraty

OMB's FOIA Officer

Message

From: Duffey, Michael P. EOP/OMB (b) (6)
Sent: 9/12/2019 11:14:08 AM
To: McCusker, Elaine A HON OSD OUSD C (USA) [/O=EAS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN (b) (6)]
Subject: RE: Footnote

Elaine – I just signed the apportionment. My team will be transmitting to your team momentarily.

Sincerely,
Mike

Mike Duffey
Associate Director for National Security Programs
Office of Management and Budget
The White House
(b) (6)

From: Duffey, Michael P. EOP/OMB (b) (6) >
Sent: Wednesday, September 11, 2019 9:52 PM
To: McCusker, Elaine A HON OSD OUSD C (USA) (b) (6) >
Subject: Re: Footnote

Not exactly clear but president made the decision to go. Will fill you in when I get details.

Still waiting for my staff to send me apportionment. Hoping to sign tonight yet.

Glad to have this behind us.

Sent from my iPhone

On Sep 11, 2019, at 9:48 PM, McCusker, Elaine A HON OSD OUSD C (USA)
<(b) (6)> wrote:

Copy. What happened? Thanks.

EM

From: "Duffey, Michael P. EOP/OMB" <(b) (6)>
Date: Wednesday, September 11, 2019 at 7:30:37 PM
To: "McCusker, Elaine A HON OSD OUSD C (USA)" (b) (6) >
Subject: RE: Footnote

Elaine - I will be issuing an apportionment this evening to immediately release all USAI funds for obligation.

I will alert you as soon as I have signed the apportionment.

Thank you

AMERICAN
OVERSIGHT

Sincerely,
Mike

Mike Duffey
Associate Director for National Security Programs
Office of Management and Budget
The White House

-----Original Message-----

From: McCusker, Elaine A HON OSD OUSD C (USA) (b) (6) >
Sent: Wednesday, September 11, 2019 5:36 PM
To: Duffey, Michael P. EOP/OMB <(b) (6)>
Subject: RE: Footnote

Copy. We are continuing to do everything we can across the enterprise to position as I expect you all know. (b) (5)

[REDACTED]

EM

-----Original Message-----

From: Duffey, Michael P. EOP/OMB (b) (6) >
Sent: Wednesday, September 11, 2019 3:54 AM
To: McCusker, Elaine A HON OSD OUSD C (USA) <(b) (6)>
Subject: Footnote

Elaine - We are extending through thurs.

Mike