



March 4, 2025

**VIA EMAIL**

FOIA Officer  
725 17th Street NW, Room 9272  
Washington, DC 20503  
[OMBFOIA@omb.eop.gov](mailto:OMBFOIA@omb.eop.gov)

**Re: Expedited Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of the Office of Management and Budget (OMB), 5 C.F.R. Part 1303, American Oversight makes the following request for records.

On January 20, 2025, President Trump issued Executive Order 14151, entitled “Ending Radical and Wasteful Government DEI Programs and Preferencing,” requiring OMB to coordinating the termination of all diversity, equity, inclusion, and accessibility (DEIA), mandates, policies, programs, preferences, and activities within the federal government.<sup>1</sup> American Oversight seeks records with the potential to shed light on the implementation of this executive order.

**Requested Records**

American Oversight seeks expedited review of this request for the reasons identified below and requests that OMB produce the following records as soon as practicable, and at least within twenty business days:

- 1) All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) sent or received (a) the OMB officials listed below, or anyone serving in the capacity of their Chief of Staff, assistant, or scheduler, (b) regarding the implantation of Executive Order 14151.<sup>2</sup>

**OMB Officials:**

- a. Former Acting OMB Director Matthew Vaeth

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<sup>1</sup> Exec. Order No. 14151, 90 Fed. Reg. 8339 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>.

<sup>2</sup> *Id.*



- b. OMB Director Russell Vought
  - c. Anyone serving in the capacity of Senior Advisor to the acting or actual OMB Director
  - d. The senior-most official at OMB tasked with the implementation of Executive Order 14151
- 2) Records sufficient to identify the contracts and grants rescinded resulting from Executive Order 14151, including records sufficient to identify the contractors and grant recipients associated with the rescinded contracts and grants and the dates and deadlines associated with the rescission or revocation of the contracts and grants.
  - 3) Records sufficient to identify all equity action plans, actions, initiatives, and/or programs implicated or affected by the implementation of Executive Order 14151.
  - 4) Records sufficient to identify all DEI or DEIA performance requirements set to be rescinded, revoked, or terminated in implementation of Executive Order 14151.
  - 5) All formal or informal final impact assessments, reports, or analyses (including memoranda, legal analyses, and other written products) created by, issued to, or otherwise in possession of OMB regarding:
    - a. how OMB has defined “equity” and “equity-related” in implementation of the Executive Order;
    - b. “reports on the prevalence and the economic and social costs of DEI, DEIA. . .” of rescinded or revoked “contracts (including set asides), [and] grants...” in the implementation of the Executive Order.<sup>3</sup>
    - c. data methodologies or processes involved in the rescission or revocation of contracts and grants within implementation of the Executive Order.

Please provide all responsive records from January 20, 2025, through the date the search is conducted.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s regulations, American Oversight 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 will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”<sup>4</sup> The public has a

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<sup>3</sup> *See id.* at Sec. 2(c)(i)

<sup>4</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

significant interest in the cancellation of DEIA actions within the federal government.<sup>5</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including what communications may exist about the implementation of Executive Order 14151. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request "is not primarily in the commercial interest of the requester."<sup>6</sup> In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).<sup>7</sup>

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>8</sup> Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;<sup>9</sup> posting records and editorial content about the federal government's response to the Coronavirus pandemic;<sup>10</sup> posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico

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<sup>5</sup> See e.g., Brett E. Coburn et al., *The Impact of President Trump's DEI Executive Orders on Private-Sector*, Alston & Bird (Feb. 3, 2025), <https://www.alston.com/en/insights/publications/2025/02/trump-dei-executive-orders-private-sector>.

<sup>6</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

<sup>7</sup> American Oversight currently has approximately 16,000 followers on Facebook and 95,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 27, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Feb. 27, 2025).

<sup>8</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>9</sup> *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>10</sup> See generally *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; see, e.g., *We've All Given Up Getting a Straight Answer From You Guys: Frustrated Emails Between Illinois Governor's Office and White House*, <https://www.americanoversight.org/weve-all-given-up-getting-a-straight-answer-from-you-guys-frustrated-emails-between-illinois-governors-office-and-white-house>.

border, and analyses of what those records reveal;<sup>11</sup> the analysis of records related to an ethics waiver received by a senior Department of Justice attorney that shed light on the Department's process for issuing such waivers ;<sup>12</sup> and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>13</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Application for Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 5 C.F.R. Part 1303.40(e), American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity, because there is a compelling and urgent need to inform both the public and federal partners or grantees of the administrative actions being taken in light of the Executive Order and how it will affect them in the short and long term.

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about actions taken by OMB to comply with the sweeping requirements of the Executive Order, including the standards and guidelines with which they are determining "equity," "equity-related," "DEIA", and other relevant terms. In the wake of the Executive Order, federal administrators, grant recipients, and contractors alike have expressed confusion as to how the different mandates of the order will be enforced by the agencies tasked with compliance. Full disclosure to the public as to how agencies are implementing the Executive Order is necessary, as it informs grantees and contractors as to what to expect and allows the public to understand the scope of change to their communities.<sup>14</sup>

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<sup>11</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>12</sup> *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>13</sup> See generally *Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; see, e.g., *New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

<sup>14</sup> Brian G. Patterson et al., *Executive Orders and the Changing Landscape of Employer DEI Programs*, Reuters (Feb. 27, 2025 11:02 AM), <https://www.reuters.com/legal/legalindustry/executive-orders-changing-landscape-employer-dei-programs-2025-02-27/>; Ali Abouesh & Jorge Padilla, *How to Understand*

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,<sup>15</sup> American Oversight “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”<sup>16</sup> American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.<sup>17</sup> As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.<sup>18</sup>

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*the Executive Order Revoking Diversity, Equity, and Inclusion and Affirmative Action Programs*, O’Hagan Meyer (Feb. 12, 2025), <https://ohaganmeyer.com/2025/02/12/how-to-understand-the-executive-order-revoking-diversity-equity-and-inclusion-and-affirmative-action-programs/>; Isabel Gottlieb, *Trump’s DEI Order Creates Dilemma for Federal Contractors*, Bloomberg (Feb. 13, 2025, 5:00 AM), <https://news.bloomberglaw.com/in-house-counsel/trumps-dei-order-creates-dilemma-for-federal-contractors>; Joal Achenbach & Carolyn Y. Johnson, *Trump Policies Sow Chaos, Confusion Across Scientific Community*, Wash. Post (Feb. 6, 2025), <https://www.washingtonpost.com/science/2025/02/06/science-trump-orders-dei/>; Emma Goldberg, *Trump’s D.E.I. Order Creates ‘Fear and Confusion’ Among Corporate Leaders*, N.Y. Times (Jan. 23, 2025), <https://www.nytimes.com/2025/01/23/business/trump-dei-corporate-reaction.html>

<sup>15</sup> See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

<sup>16</sup> *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

<sup>17</sup> American Oversight currently has approximately 16,000 followers on Facebook and 95,500 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 27, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Feb. 27, 2025).

<sup>18</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *Emails and Resume of Trump’s Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight,

Accordingly, American Oversight's request satisfies the criteria for expedition.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or X (formerly Twitter) direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>19</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official

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<https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

<sup>19</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>20</sup>

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,<sup>21</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

## **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

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<sup>20</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

<sup>21</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Ben Sparks at [foia@americanoversight.org](mailto:foia@americanoversight.org) or (202) 873-1741. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Ben Sparks

Ben Sparks  
on behalf of  
American Oversight