

April 22, 2026

FOIA Officer
Office of Management and Budget
725 17th St NW, Rm 9026 Washington, DC 20503
Via email: OMBFOIA@omb.eop.gov

Re: FOIA Request — OMB Treatment of the District of Columbia in Federal Budget, Management, and Program Administration

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, Capital Rights Lab hereby requests that your office produce within twenty working days the following records:

RECORDS REQUESTED

For the period **January 20, 2024** through the date this request is processed, please produce all records relating to:

- 1) Records sufficient to show OMB's practices for coordinating with the District of Columbia government during the period January 1, 2023 to present. This request includes: (i) records identifying OMB officials designated as points of contact for matters concerning the District of Columbia; (ii) records reflecting OMB coordination with DC government on federal budget formulation, appropriations matters affecting the District, federal payments to DC, and federal disaster declarations affecting the District; and (iii) for comparison, equivalent records reflecting OMB coordination with Maryland and Virginia state governments on analogous matters.
- 2) Records sufficient to show any OMB guidance, circulars, or analyses during the period January 1, 2023 to present addressing the distinct legal status of the District of Columbia for purposes of federal program administration, budget formulation, or appropriations (e.g., whether DC is treated as a state, a territory, a federal enclave, or otherwise in federal programs).
- 3) Records sufficient to show any internal OMB guidance or training materials during the period January 1, 2023 to present addressing how OMB staff are to treat the District of Columbia in budget, management, and regulatory review processes.
- 4) All records from January 1, 2023 to present reflecting (a) legal opinions, guidance memoranda, or Office of General Counsel analyses addressing the District of Columbia's legal status for purposes of OMB functions, including budget, management, and regulatory review; and (b)

any communications between OMB and the DOJ Office of Legal Counsel, the White House Counsel's Office, or DC government entities regarding the legal status of the District in federal program administration, disaster declarations, or appropriations matters.

- 5) This request is limited to final versions of responsive records; the agency need not produce multiple drafts of the same document absent a substantive change. Where the agency maintains responsive records in structured databases, reports, or dashboards, production of a summary export or report is sufficient to respond to requests designated "records sufficient to show."

RESPONSIVE RECORDS

We ask that all record systems be searched — including electronic systems, archives, and paper files — to discover records responsive to this request. We seek records in all media and formats. This includes, but is not limited to: emails and email attachments; MMS or SMS text messages; instant messages and communications on platforms such as Signal, iMessage, WhatsApp, Telegram, Microsoft Teams, Google Chat, Slack, and Facebook Messenger; voicemails; memoranda; letters; reports; working papers; draft documents; talking points; briefing materials; agendas, calendars, schedules, and notes prepared for meetings or calls; training documents and guides; presentations; inter-agency and intra-agency correspondence; and any other preservation of work product. We ask that you search all systems of record in use at your agency.

The agency's search should be reasonably calculated to uncover all responsive records, including records maintained in departmental file systems, individual custodian email and messaging accounts, shared network drives, and cloud storage systems.

We prefer records in searchable electronic format, transmitted to foia@capitalrights.org. Native file formats are preferred; OCR'd PDF is acceptable for scanned documents. For records maintained in structured databases, dashboards, or reporting systems, production of summary reports or data exports in CSV, Excel, or equivalent machine-readable format is preferred over printed copies or static images.

FEE WAIVER

Capital Rights Lab requests a complete fee waiver under 5 U.S.C. § 552(a)(4)(A)(iii), or in the alternative, fee treatment as a representative of the news media or as an educational/noncommercial scientific institution under 5 U.S.C. § 552(a)(4)(A)(ii). Congress amended FOIA to ensure that fee waivers are liberally construed in favor of noncommercial requesters.

- Fee waiver.** The requested records satisfy each element of the statutory fee waiver standard.
- (1) The records concern the operations and activities of the federal government, specifically the exercise of federal authority over the approximately 700,000 residents of the District of Columbia — residents who lack voting representation in Congress, the body that authorizes that authority.
 - (2) Disclosure will meaningfully contribute to public understanding of those operations because the

records sought are not otherwise publicly available and concern government decision-making processes not presently disclosed. (3) CRL will broadly disseminate its findings through its public website (capitalrights.org), academic publications, public-interest policy materials, and engagement with journalists and researchers, ensuring that disclosure benefits the public at large rather than the requester alone. (4) CRL has no commercial interest in the requested records; it is a 501(c)(3) nonprofit organization, and any records obtained will be made available to the public at no cost.

News media requester. In the alternative, Capital Rights Lab qualifies as a representative of the news media within the meaning of 5 U.S.C. § 552(a)(4)(A)(ii)(II). CRL gathers information of public interest, applies editorial judgment, and publishes its findings to a public audience through its website and academic and policy publications. *See Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Under this category, CRL would owe only duplication fees, with the first 100 pages provided at no charge.

Educational/noncommercial scientific institution. In the further alternative, CRL is a 501(c)(3) organization whose mission is legal research and public education on federal regulatory authority over the District of Columbia, and this request is made in furtherance of that scholarly mission.

If the agency determines that any fees are owed, please notify CRL before processing and provide an itemized estimate.

EXPEDITED PROCESSING

Expedited processing is requested pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II). Capital Rights Lab is primarily engaged in disseminating information to the public within the meaning of the statute: it is a 501(c)(3) organization whose mission is research and public education on federal regulatory authority over the District of Columbia, and it regularly disseminates its findings through its website (capitalrights.org), academic publications, and public-interest policy materials.

There is an urgency to inform the public concerning the Federal Government activity addressed by this request. Since March 2025, the current administration has issued a series of executive orders — including “Making the District of Columbia Safe and Beautiful” and “Declaring a Crime Emergency in the District of Columbia” — directing substantially expanded federal operational, enforcement, regulatory, planning, and aesthetic activity within the District. The scope and legal basis of that ongoing federal activity is the subject of active public debate, pending litigation by the District of Columbia Attorney General, and sustained national news coverage. The records sought bear directly on that activity, affecting the approximately 700,000 residents of the District who lack voting representation in the body that authorizes it.

I certify that the foregoing is true and correct to the best of my knowledge and belief.

WITHHOLDING AND SEGREGABILITY

If any responsive record or portion of a record is determined to be exempt from disclosure, Capital Rights Lab asks that you release all reasonably segregable, non-exempt portions of that record. 5 U.S.C. § 552(b). Please provide, at the time of production, an index of any withheld records or withheld portions identifying the document type, date, and exemption(s) claimed, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

FORMAT & RESPONSE

Please provide written acknowledgment of this request, including a tracking or reference number. The twenty-working-day response period under 5 U.S.C. § 552(a)(6)(A)(i) runs from the date of receipt. If any portion of this request is referred to another agency, please notify CRL of that referral. Rolling production is welcome if partial release is possible before full processing is complete.

If any portion of this request is deemed unclear, overly broad, or unduly burdensome, please contact the undersigned at foia@capitalrights.org to narrow or clarify the scope rather than denying the request in whole or in part. Capital Rights Lab is willing to engage in good-faith scoping discussions to facilitate timely production.

Respectfully,



David Seidman
Executive Director
Capital Rights Lab
foia@capitalrights.org