



April 8, 2025

Russell T. Vought
Director
Office of Management and Budget

Dear Mr. Vought,

The purpose of this letter is to address issues that have come to the attention of the Government Accountability Office (GAO) regarding the decision of the Office of Management and Budget (OMB) to remove the website that made apportionments available publicly. This is very concerning because of the potential implications for review of such records for federal audits, congressional oversight, specifically with regard to Congress's power of the purse.

We understand that OMB took down the website taking the position that it requires the disclosure of predecisional, and deliberative information. We disagree. As apportionments are legally binding decisions on agencies under the Antideficiency Act, we note that such information, by definition, cannot be predecisional or deliberative. See 31 U.S.C. § 1517. OMB also noted that apportionments may contain sensitive information which, if disclosed publicly automatically, may pose a danger to national security and foreign policy. While there may be some information that is sensitive if disclosed publicly, it is certainly not the case that all apportionment data meets that standard. Where there is such sensitive data that should be protected from public disclosure, those would be the exception and should not serve to take down the entire database. We remain committed to engaging with OMB and accommodating situations where sensitive data should not be posted publicly but be made available as required for congressional oversight and federal audits.

Moreover, there is a statutory requirement for OMB to post the apportionment data on a public website. Financial Services and General Government Appropriations Act, 2023. Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, §204, div. E, tit. II, 136 Stat. 4667 (Dec. 9, 2022).

As you know, apportionments are a critical part of the legal framework, anchored in the Antideficiency Act, that helps to ensure the responsible use of taxpayer dollars as well as to protect Congress's power of the purse. Apportionments help achieve both of these worthy goals by requiring the President and OMB to apportion, or subdivide, fixed-year appropriations to executive branch agencies. The apportionment system is intended to achieve the effective and orderly use of taxpayer dollars, and assist government officials and employees of the executive branch so that they do

not over-obligate or over-expend them and create the need for supplemental or deficiency appropriations. Where officials or employees obligate or expend in excess of apportionments, they violate the Antideficiency Act, and agencies are required to report such violations to the President, Congress, and GAO.

Apportionment transparency facilitates oversight of federal spending. Because apportionments bind agencies as to both how and when appropriations may be obligated or expended, they provide invaluable insight into agency funding decisions. Apportionments also provide helpful context for GAO examinations of agency compliance with statutes such as the Antideficiency Act and Impoundment Control Act.

GAO has a number of on-going Impoundment Control Act inquiries and engagement work, many of which rely on apportionment data. GAO asks that OMB reinstate this apportionment data, consistent with the law and OMB and GAO's responsibilities to protect any information deemed by OMB to be sensitive. If OMB does not reinstate this apportionment data, please be aware that GAO has a broad statutory right of access to apportionment data under 31 U.S.C. § 716 and will seek such apportionment data accordingly.

As GAO continues its work regarding the Impoundment Control Act and other engagement work, it is essential that we retain access to this apportionment data. Congress and the American taxpayer depend on GAO to carry out Congress's oversight responsibilities, specifically with regard to its power of the purse. I would appreciate your immediate attention to this matter.

Sincerely,



Edda Emmanuelli Perez
General Counsel

Cc: Mark Paoletta
General Counsel
Office of Management and Budget

Cc: The Honorable Susan Collins
Chair
Committee on Appropriations
United States Senate

Cc: The Honorable Patty Murray
Vice Chair
Committee on Appropriations
United States Senate

Cc: The Honorable Lindsey Graham
Chairman
Committee on the Budget
United States Senate

Cc: The Honorable Jeff Merkley
Ranking Member
Committee on the Budget
United States Senate

Cc: The Honorable Tom Cole
Chairman
Committee on Appropriations
House of Representatives

Cc: The Honorable Rosa DeLauro
Ranking Member
Committee on Appropriations
House of Representatives

Cc: The Honorable Jodey Arrington
Chairman
Budget Committee
House of Representatives

Cc: The Honorable Brendan Boyle
Ranking Member
Budget Committee
House of Representatives