

April 7, 2025

Committee on Appropriations
U.S. Senate
Room S-128, The Capitol
Washington, DC 20510

Committee on Appropriations
U.S. House of Representatives
Room H-307, The Capitol
Washington, DC 20515

Chairwoman Collins, Vice Chair Murray, Chairman Cole, and Ranking Member DeLauro:

The undersigned organizations are writing to express our deep concern about the Office of Management and Budget (OMB) taking down its public apportionment website, as reported in Roll Call on March 24.¹ The website is a critical tool for Congress and the public to ensure that the funding passed in appropriations laws is spent consistent with congressional intent. Further, taking down the website appears to violate the law requiring this information to be made public.

The Constitution clearly mandates that Congress, not the executive branch, has the power of the purse — the power to decide where and how to spend the nation’s money.² While some reporting requirements were initially included over a century ago when the apportionment process was created,³ OMB was not required to make its apportionment decisions public until recently.

Organizations from across the political spectrum supported passage of provisions in the bipartisan FY 2022 Omnibus Appropriations bill requiring OMB to make information on apportionments of federal funds available to the public.⁴ The apportionment database has been online since its launch in July 2022.⁵ OMB Director Russell Vought purported to justify its removal in a letter to Vice Chair Murray on March 29, stating that apportionments contain deliberative and predecisional information.⁶ But apportionments are issued only after

¹ Paul M. Krawzak, “White House scraps public spending database,” *Roll Call*, March 24, 2025, <https://rollcall.com/2025/03/24/white-house-scraps-public-spending-database/>.

² U.S. Const. art. I, § 9, cl. 7.

³ Pub. L. No. 58-217, ch. 1484, § 4, 33 Stat. 1214, 1257-58 (1905), <https://tile.loc.gov/storage-services/service/ll/lsl/llsl-c58/llsl-c58.pdf#page=1344>; Pub. L. No. 59-28, ch. 510, § 3, 34 Stat. 27, 48-49 (1906), <https://tile.loc.gov/storage-services/service/ll/lsl/llsl-c59/llsl-c59.pdf#page=79>.

⁴ Project On Government Oversight, “Press Release: Groups Across Ideological Spectrum Applaud Apportionment Reform,” March 18, 2022, <https://www.pogo.org/post/groups-across-ideological-spectrum-applaud-apportionment-reform>.

⁵ R Street, “OMB’s New Public-Facing Apportionment Tracker a Win for Government Accountability,” July 20, 2022, <https://www.rstreet.org/outreach/ombs-new-public-facing-apportionment-tracker-a-win-for-government-accountability/>.

⁶ Letter from Russell Vought, director of Office of Management and Budget, to Senator Patty Murray, vice chair of the Senate Committee on Appropriations, about OMB taking down its apportionment website, March 29, 2025, https://x.com/PattyMurray/status/1906821477959074083?t=6SCkHL7AAzikx2CZ_h8PvA&s=19.

deliberation and are legally binding decisions that govern agency expenditures.⁷ Indeed, officials who violate an apportionment may be subject to civil or criminal penalties.⁸

Vought also claims apportionments contain sensitive information, the disclosure of which might harm foreign policy or national security.⁹ But apportionments execute appropriations laws that are already public, and which provide public information on funding levels for U.S. foreign policy and national security initiatives.¹⁰ And the law requiring apportionment transparency gives special consideration to classified information, providing for its disclosure only upon request to the relevant congressional committees. Moreover, as the Congressional Research Service has explained, "[m]ost intelligence dollars are embedded in the defense budget."¹¹ But to ensure that no specific information on funding for intelligence community programs is publicly disclosed, almost every Department of Defense (Military Programs) apportionment (4,187 of 4,191) and almost every Other Defense (Civil Programs) apportionment (104 of 155)¹² that OMB has publicly disclosed since fiscal year 2022 contains a footnote stating that a "classified attachment displaying the apportionment of specific classified programs within the amount displayed may be included."¹³ The across-the-board use of this footnote makes it impossible to determine which accounts actually contain sensitive information or fund classified programs.

Taking the apportionment website down makes it more difficult for Congress to act as a steward of taxpayer dollars and weakens the institution's power of the purse. We urge you to exercise your authority to ensure that OMB complies with the law and restore public access to the information it has been providing pursuant to this law — without issue — for several years.

Sincerely,

American Governance Institute
Citizens for Responsibility and Ethics in Washington (CREW)
Freedom of the Press Foundation
League of Women Voters of the United States
National Taxpayers Union
People For the American Way
Project On Government Oversight
Protect Democracy
R Street Institute
Taxpayers for Common Sense

⁷ 31 U.S.C. § 1512 (2025), <https://www.law.cornell.edu/uscode/text/31/1512>.

⁸ 31 U.S.C. § 1517 (2025), <https://www.law.cornell.edu/uscode/text/31/1517>; 31 U.S.C. § 1519 (2025), <https://www.law.cornell.edu/uscode/text/31/1519>.

⁹ Letter from OMB Director Vought to Senator Murray, 1 [see note 6].

¹⁰ Consolidated Appropriations Act, 2022, Public Law 117-103, Sec. 204(c), <https://uscode.house.gov/statutes/pl/117/103.pdf>.

¹¹ Congressional Research Service, *Intelligence Community Spending Trends*, R44381 (2024), 8, <https://sgp.fas.org/crs/intel/R44381.pdf#page=8>.

¹² OpenOMB, Protect Democracy, accessed April 7, 2025, <https://openomb.org/>.

¹³ "Research, Development, Test and Evaluation, Defense-wide," File ID 11417433, Footnote A1, <https://openomb.org/file/11417433#page-footnote-funds>.