



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

December 19, 2024

VIA FOIA.gov

U.S. Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records and expedited processing request, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

Specifically, **CREW requests records sufficient to identify the following information with respect to each current federal civilian employee of any Executive Branch agency, excluding any employee's personal identifying information:**

- **Employing agency and agency component**
- **County of residence**
- **City of residence**
- **Congressional district of residence**
- **Zip code of residence**

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails. If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

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Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW 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 likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

The recent re-election of Donald Trump as the next President of the United States raises concerns about structural changes to the federal civil service. President-elect Trump advisers have publicly-announced plans to implement reductions in force or “large-scale firings” of employees at numerous federal agencies.¹ One of the co-heads of the President-elect’s so-called “Department of Government Efficiency” has vowed that “large-scale, mass layoffs are absolutely what we will bring to the D.C. bureaucracy.”² President-elect Trump’s reported goal is to “demolish the deep state” by getting rid of thousands of career federal government workers.³ In October 2020, Donald Trump issued an Executive Order (EO)⁴ that would have upended the federal government ranks through a new job classification, Schedule F. While President Biden rescinded this EO when he entered office, had it remained, it would have stripped tens of thousands of federal workers of most merit-based civil service protections, including the protection against being fired based on political alignment.⁵ In his recent campaign for office, Trump is pushing for the return of schedule F to “demolish the deep state” by getting rid of thousands of career

¹ Elon Musk and Vivek Ramaswamy, *Elon Musk and Vivek Ramaswamy: The DOGE Plan to Reform Government*, Wall St. J., Nov. 20, 2024,

<https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020>.

² Eric Katz, *Trump vows to ‘dismantle federal bureaucracy’ and ‘restructure’ agencies with new, Musk-led commission*, Gov’t Exec., Nov. 12, 2024,

<https://www.govexec.com/management/2024/11/trump-vows-dismantle-federal-bureaucracy-and-restructure-agencies-new-musk-led-commission/400998/>.

³ Bob Ortega, Kyung Lah, Allison Gordon, and Nelli Black, *What Trump’s war on the ‘Deep State’ could mean: ‘An army of suck-ups’*, CNN, Apr. 27, 2024,

<https://www.cnn.com/2024/04/27/politics/trump-federal-workers-2nd-term-invs/index.html>.

⁴ Exec. Order No. 13957, C.F.R. 298, (2020),

<https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-creating-schedule-f-excepted-service/>.

⁵ Gabe Lezra & Diamond Brown, *FAQ: The conservative attack on the merit-based civil service*, Citizens for Responsibility and Ethics in Washington (CREW), Jan. 25, 2024,

<https://www.citizensforethics.org/news/analysis/faq-the-conservative-attack-on-the-merit-based-civil-service/> [hereinafter FAQ].

federal government workers.⁶ In place of expert career civil servants, federal agencies could be filled with unqualified party loyalists who could harm the lives of Americans by giving individuals without any technical expertise the power to craft policy that could have life or death implications.⁷ Critics of Schedule F also fear that it could lead to mass firings within agencies.⁸ President-elect Trump is also reportedly planning to relocate agencies that are currently in the D.C.-Maryland-Virginia (“DMV”) area to other states.⁹

Given these impending structural changes, information about the geographical distribution of the federal workforce is necessary for the public to understand the economic impact of Reduction-in-Force policies, agency relocation efforts, and the reinstatement of Schedule F of the excepted service. The effects of these policies will not be uniformly distributed across the federal workforce nor is the economic impact able to be approximated with the available generalized information. It is critical that more exact public information be made available so that the nature and scope of the potential impact of these policies can be better understood and anticipated.

The disproportionate geographic impact of these policies can be expected to most acutely impact the DMV area. According to OPM data, 15% of the entire federal civilian workforce reside in the region, largely due to the fact that many agencies themselves are headquartered in DC.¹⁰ Accordingly, this population of workers makes up a large portion of the respective state’s population. For example, federal civilian employees make up about 20% of DC’s population with 141,367 workers as of 2017 and a population of 697,079 within that same year.¹¹ In addition to both the large population and percentage of the whole federal workforce, the regional nature of the DMV imposes the additional challenge of coordinating within three states to mitigate the economic impact of the policies.

Due to the structural nature of the changes arising from these policies, releasing public data particularized to the departmental level is critical to effectively understanding their potential impact. Reduction-in-Force policies, agency relocation efforts, and Schedule F initiatives will each affect particular agencies, and even interagency departments, disproportionately. Accordingly, the unequal distribution of potentially impacted employees requires the public to have access to particularized data that can illuminate the scope of the potential impact to geographic areas based on their relation to the most affected divisions and agencies.

⁶ Erich Wagner, *Employee groups laud Biden’s anti-Schedule F regulations*, Government Executive, Apr. 5, 2024, <https://www.govexec.com/workforce/2024/04/employee-groups-laud-bidens-anti-schedule-f-regulations/395530/>.

⁷ FAQ, *supra* note 5.

⁸ National Treasury Employees Union (NTEU), *OPM Establishes Safeguards Against Schedule*, NTEU, Apr. 4, 2024, <https://www.nteu.org/media-center/news-releases/2024/04/04/opmregsskedf>.

⁹ See, e.g., Todd C. Frankel, *Here’s what happened the last time Trump moved federal jobs out of D.C.*, Wash. Post, Dec. 5, 2024, <https://www.washingtonpost.com/business/2024/12/04/trump-move-federal-jobs/>.

¹⁰ United States Office of Personnel Management, *Federal Civilian Employment*, Sept. 2017, <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/federal-civilian-employment/>.

¹¹ *Id.*

It is impossible to even begin to anticipate the potential ramifications—to local communities, citizens, and economies—of these policies without access to public information about the number of individuals who will potentially be impacted. The public needs this information to make informed decisions about how to respond to these forthcoming policies.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW is entitled to expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity," and CREW "is primarily engaged in disseminating information," 5 U.S.C. § 552(6)(E)(v)(II) .

CREW is "primarily engaged in disseminating information" to the public. This "standard 'requires that information dissemination be the main [and not merely an incidental] activity of the requestor,'" but "publishing information 'need not be [the organization's] sole occupation.'" *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and

analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.¹²

The re-election of Donald Trump as the next President of the United States raises an “urgency to inform the public about [] actual or alleged federal government activit[ies]” before he is inaugurated—i.e., the impact of his Reduction-in-Force policies, agency relocation efforts, and Schedule F initiatives. This FOIA request included news reports analyzing the various anti-Schedule F regulations put into place by the Biden administration.¹³ There have been numerous more news reports concerning the second Trump administration’s potential Reduction-in-Force policies, agency relocation efforts, and Schedule F initiatives, and what their implementation would mean for the more than two million federal civil service members.¹⁴

¹² See, e.g., *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as “Top US ethics watchdog”).

¹³ See, e.g., Erich Wagner, *Employee groups laud Biden’s anti-Schedule F regulations*, Government Executive, Apr. 5, 2024, <https://www.govexec.com/workforce/2024/04/employee-groups-laud-bidens-anti-schedule-f-regulations/395530/>; National Treasury Employees Union (NTEU), *OPM Establishes Safeguards Against Schedule F*, NTEU, Apr. 4, 2024, <https://www.nteu.org/media-center/news-releases/2024/04/04/opmregsskedf>.

¹⁴ See, e.g., Todd C. Frankel, *Here’s what happened the last time Trump moved federal jobs out of D.C.*, Wash. Post, Dec. 5, 2024, <https://www.washingtonpost.com/business/2024/12/04/trump-move-federal-jobs/>; Jory Heckman, *Trump seeks to relocate 100K federal employees, doubling down on first-term playbook*, Fed. News Network, Nov. 7, 2024, <https://federalnewsnetwork.com/workforce/2024/11/trump-seeks-to-relocate-100k-federal-employees-doubling-down-on-first-term-playbook/>; Daniella Ignacio, *Trump Wants to Move Federal Jobs Out of the DC Area. Here’s What It Was Like the Last Time He Did That.*, Washingtonian, Nov. 25, 2024, <https://www.washingtonian.com/2024/11/25/trump-wants-to-move-federal-jobs-out-of-the-dc-area-heres-what-it-was-like-the-last-time-he-did-that/>; Mark Olalde, *Trump Says He’ll Move Thousands of Federal Workers Out of Washington. Here’s What Happened the First Time He Tried.*, ProPublica, Oct. 23, 2024, <https://www.propublica.org/article/donald-trump-election-federal-agencies>; Kevin Bogardus, *Relocating EPA headquarters blasted as ‘decapitation’*, E&ENews, Nov. 11, 2024, <https://www.eenews.net/articles/relocating-epa-headquarters-blasted-as-decapitation/>; Phylcia Ashley, *New plan under Trump could move 110k government jobs out of DC*, ABC7News, Nov. 7, 2024, <https://wjla.com/news/local/presidential-elections-donald-trump-president-elect-2024-agenda-47-plan-federal-government-jobs-employees-impacting-district-joe-biden-jennifer-victor-political-science-dmv>; Jonathan Weisman, *Vivek Ramaswamy Returns to Push His Plans to Slash the Government*, N.Y. Times, Nov. 15, 2024, <https://www.nytimes.com/2024/11/15/us/politics/vivek-ramaswamy-doge.html>; Ella Nilsen, Rene Marsh, Gabe Cohen, & Tami Luhby, *‘Feeling of dread’ spreads across federal workforce as second Trump term looms*, CNN, Nov. 10, 2024,

These news stories demonstrate that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public insofar as they are “the subject of a currently unfolding story” about structural changes to the federal workforce. *Id.* at 310. Numerous articles cited above are from the past month alone, such as the story about Rep. Glenn Ivey’s town hall “about plans to stop potential cuts to the workforce from happening,” which took place last week, and “attracted

<https://www.cnn.com/2024/11/10/politics/federal-workforce-second-trump-term-schedule-f/index.html>; Carolina Nihill, *Senate Republican's DOGE Acts would codify Schedule F, freeze federal hiring and salaries*, FedScoop, Dec. 6, 2024, <https://fedscoop.com/marsha-blackburn-doge-acts-schedule-f-freeze-federal-hiring-salaries/>; Katelyn Murray, *Understanding Trump's Schedule F Proposal: What It Means for Federal Government Employees and Retirees*, Serving Those Who Serve, Dec. 2, 2024, <https://stwserve.com/understanding-trumps-schedule-f-proposal-what-it-means-for-federal-government-employees-and-retirees/>; Joe Davidson, *Trump allies, opponents prepare to battle over plans for at-will workforce*, Wash. Post, Dec. 13, 2024, <https://www.washingtonpost.com/politics/2024/12/13/trump-schedule-f-federal-unions-at-will/>; Justin Schnitzer, *Schedule F and DOGE: A Federal Employment Attorney's Analysis*, Fedweek, Dec. 10, 2024, <https://www.fedweek.com/fedweek/schedule-f-and-doge-a-federal-employment-attorneys-analysis/>; Daniella Ballou-Aares and Max Stier, *What's at stake for business with Trump's civil service plan*, Sept. 20, 2024, <https://www.fastcompany.com/91194167/whats-at-stake-for-business-with-trumps-civil-service-plan>; Laura Vozzella & Gregory S. Schneider, *Trump's plan to upend federal workforce could rattle DMV economy*, Wash. Post, August 8, 2024, <https://www.washingtonpost.com/dc-md-va/2024/08/08/trump-dc-workers-economy/>; Jay Michaelson, *Trump plans to fire thousands of government workers — but it won't be easy*, MSNBC, Nov. 18, 2024, <https://www.msnbc.com/opinion/msnbc-opinion/trump-fire-federal-workers-project-2025-schedule-f-rcna180393>; Rebecca Beitsch, *Federal workers brace for Trump overhaul of civil service*, The Hill, Nov. 18, 2024, <https://thehill.com/homenews/administration/4993221-trump-federal-workforce-overhaul-schedule-f/>; Kai Ryssdal and Sean McHenry, *How could the return of Trump-era “Schedule F” job appointments reshape the federal workforce?*, MarketPlace, Oct 31, 2024, <https://www.marketplace.org/2024/10/31/schedule-f-political-appointees-federal-workforce-bls/>; Justin Papp, *‘McCarthyism all over again’? Plan to target federal workers prompts fears*, Roll Call, Oct. 30, 2024, <https://rollcall.com/2024/10/30/trump-schedule-f-plan-federal-worker-fears/>; Steven Greenhouse, *Project 2025's plan to gut civil service with mass firings: ‘It's like the bad old days of King Henry VIII’*, The Guardian, Sept. 25, 2024, <https://www.theguardian.com/us-news/2024/sep/25/project-2025-trump-plan-fire-civil-service-employees>; Kyle Cooper & Mitchell Miller, *Thousands log in to virtual town hall discussing plans to stop potential federal workforce cuts*, Maryland Matters, Dec. 16, 2024, <https://marylandmatters.org/2024/12/16/thousands-log-in-to-virtual-town-hall-discussing-plans-to-stop-potential-federal-workforce-cuts/>; Joey Garrison, *Elon Musk, Vivek Ramaswamy outline plan for 'large-scale firings' in federal workforce under Trump*, USA Today, Nov. 20, 2024, <https://www.usatoday.com/story/news/politics/elections/2024/11/20/musk-ramaswamy-federal-workforce-trump-admin/76458753007/>.

about 15,000 people, mostly federal workers from the D.C. area.”¹⁵ Second, the American public needs information about the economic impact of these policies before any damage is done, and well in advance of notice and comment processes, so that they can respond to the policies of the executive branch. As discussed in this FOIA request earlier, information about the geographical distribution of the federal workforce is necessary for the public to understand the impact of these policies. “Virginia has more than 140,000 federal workers, and like Maryland and D.C., its economy relies heavily on federal dollars.”¹⁶ Citizens of these jurisdictions need to know how these policies would impact the tax revenue of their state, their property values, and unemployment rates. Citizens of other jurisdictions need to estimate whether and how many federal employees might move to their states and what that means for the economy in their states. Finally, these executive branch personnel policies concern quintessential federal government activity.

The undersigned certifies that the above statement is true and correct.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at jtsoi@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW’s request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to jtsoi@citizensforethics.org and foia@citizensforethics.org or by mail to Chun Hin Jeffrey Tsoi, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004. Thank you for your assistance in the matter.

Sincerely,



Chun Hin Jeffrey Tsoi
Senior Legal Fellow



Kalyn Mizelle McDaniel
Legal Fellow

¹⁵ See Cooper & Miller, *supra* note 14.

¹⁶ *Id.*