



December 19, 2025

**VIA EMAIL**

U.S. Bureau of Labor Statistics  
FOIA Coordinators, Division of Management Systems  
Office of Administration  
4600 Silver Hill Road  
Washington, DC 20212-0002  
[foiarequests@dol.gov](mailto:foiarequests@dol.gov)

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of Labor (“DOL”) regulations.

Specifically, CREW requests:

1. From August 1, 2025 to the date this request is processed, all records concerning the determination of which BLS employees are classified as “excepted” or “exempted” in the event of a lapse in appropriations. This request includes:
  - a. Records referencing the BLS lapse plan published on October 31, 2025 titled “Department of Labor Plan for the Continuation of Limited Activities During a Lapse in Appropriations”;<sup>1</sup>
  - b. Any communications sent or received by Acting BLS Commissioner William Watrowski regarding the decision to furlough all but one BLS employee in the event of a lapse of appropriations;<sup>2</sup>
2. From August 1, 2025 to the date this request is processed, all records concerning the decision to publish or not publish, or delay or not delay, the publication of October 2025 Employment Situation news release or October 2025 Real Earnings data;

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<sup>1</sup> U.S. Department of Labor, *Plan for the Continuation of Limited Activities During a Lapse in Appropriations* (Oct. 31, 2025),

<https://www.dol.gov/sites/dolgov/files/general/plans/dol-contingency-plan.pdf>.

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

- a. This request includes briefings, associated materials and communications provided to executive branch officials, including but not limited to, Secretary of Labor Lori Chavez-DeRemer and Secretary of the Treasury Scott Bessent;
3. From August 1, 2025 to the date this request is processed, all records concerning how a lapse in appropriations would impact or did impact performance of the Current Population Survey;
4. From October 1, 2025, correspondence between BLS staff and Julia Pollak, Chief Economist of the Department of Labor, regarding the BLS's decision to not publish an October 2025 Employment Situation news release or October 2025 Real Earnings data.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

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).

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 agencywide 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 29 C.F.R. § 70.41, 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 5 U.S.C. § 552(a)(4)(A)(iii); 29 C.F.R. § 70.41(a)(1)*. 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); 29 C.F.R. § 70.41(a)(1)(ii).

The disclosures related to this request would likely contribute to a significantly better understanding by CREW and the general public of the procedures by which BLS made its unprecedented determination to furlough all but one of its employees. They would also likely contribute to a significantly better understanding of BLS's decisionmaking process concerning whether or not to publish its October releases. These disclosures are also likely to significantly contribute to CREW and the public's understanding of Acting Commissioner Watrowski's commitment to data transparency.

The Bureau of Labor Statistics is the "principal fact-finding agency in the broad field of labor and statistics."<sup>3</sup> BLS is responsible for financing and analyzing the Current Population Survey ("CPS"), a monthly survey of U.S. households conducted by the BLS and the United States Census Bureau that provides broad information about employment, unemployment, hours of work, earnings, and people not in the labor force.<sup>4</sup> CPS data are used to inform research and decisionmaking across the government and civil society.<sup>5</sup>

During prior government shutdowns, though BLS data collection rates declined and news releases for monthly BLS data reports were delayed, the BLS retroactively published the data it was able to collect.<sup>6</sup> In 2013, following a 16-day long lapse in federal appropriations, the BLS published a document noting the effect of the government shutdown on data collection and any potential impacts on data integrity.<sup>7</sup>

DOL's *Plan for the Continuation of Limited Activities During a Lapse in Appropriations* noted that the BLS planned to furlough 2,054 of its 2,055 "on board" employees during a lapse in appropriations.<sup>8</sup> The document anticipated the BLS would "suspend most operations" during a lapse, that "[e]conomic data that are scheduled to be released during the lapse will not be released," and that "[a]ll active data collection activities for BLS surveys would cease."<sup>9</sup> However, the plan anticipated that the BLS would "intermittently except the minimum staff necessary to produce and release the September Consumer Price Index (CPI)," at the Administration's discretion based on the possible impact of delayed or cancelled CPI data on the timely and accurate payment of Social Security benefits.<sup>10</sup> The document identifies

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<sup>3</sup> *Id.*

<sup>4</sup> U.S. Bureau of Labor Statistics, *Timeline* (last updated Aug. 4, 2023); U.S. Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey* (last updated Nov. 25, 2025), <https://www.bls.gov/cps/news.htm>.

<sup>5</sup> U.S. Bureau of Labor Statistics, Current Population Survey (CPS) Respondents, *How Your Data Are Used* (last updated Sept. 23, 2011), <https://www.bls.gov/respondents/cps/uses.htm>.

<sup>6</sup> *Id.*

<sup>7</sup> U.S. Bureau of Labor Statistics, *Frequently asked questions: The impact of the partial federal government shutdown on the Employment Situation for October 2013* (Nov. 8, 2013), [https://www.bls.gov/bls/shutdown\\_2013\\_empsit\\_qa.pdf](https://www.bls.gov/bls/shutdown_2013_empsit_qa.pdf).

<sup>8</sup> U.S. Department of Labor, *Plan for the Continuation of Limited Activities During a Lapse in Appropriations* (Oct. 31, 2025), <https://www.dol.gov/sites/dolgov/files/general/plans/dol-contingency-plan.pdf> (hereinafter DOL Shutdown Plan).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

acting BLS Commissioner William Watroski as the Department of Labor Agency Designee responsible for developing, implementing, and adjusting the agency lapse plan.<sup>11</sup>

On October 1, 2025, the federal government shut down due to a lapse in appropriations, and all BLS employees other than Acting Commissioner Wiatrowski were furloughed.<sup>12</sup> On October 10, the Department of Labor recalled furloughed employees necessary to prepare the Consumer Price Index report for the month of September.<sup>13</sup> However, there was no similar recall of furloughed employees to compile any other BLS data report, including the CPS.

According to the Friends of the Bureau of Labor Statistics, a coalition of statistics and economic organizations dedicated to ensuring the BLS can most effectively pursue its purpose of providing essential economic data to the public, the 2025 lapse in appropriations marked the first time in 77 years that the Bureau of Labor Statistics did not publish its monthly estimate of the American unemployment rate.<sup>14</sup> On December 15, 2025, the BLS published an article addressing how the 2025 federal government shutdown affected the CPS, noting that October 2025 data was not collected and that the missing data will appear differently in forthcoming CPS products.<sup>15</sup> On December 16, 2025, the BLS published the November 2025 Employment Situation news release, noting that household survey estimates were not collected for October 2025 due to the lapse in appropriations and that collection of data for the November report was delayed and the collection period for November was extended.<sup>16</sup>

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

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<sup>11</sup> *Id.*

<sup>12</sup> Kaia Hubbard and Caitlin Yilek, *Government shutdown begins as White House moves to cut billions in funding*, CBS News (Oct. 1, 2025), <https://www.cbsnews.com/live-updates/government-shutdown-latest-shutdown-begins-trump/>; see DOL Shutdown Plan *supra* n. 9; Sam Sutton and Nick Niedzwiedek, *Labor Department recalls furloughed workers to compile critical inflation data*, Politico (Oct. 10, 2025), <https://www.politico.com/news/2025/10/10/labor-department-recalls-furloughed-workers-to-compile-critical-inflation-data-00601915>.

<sup>13</sup> Sutton and Niedzwiedek *supra* n. 13.

<sup>14</sup> Friends of the Bureau of Labor Statistics, *2025 Government Shutdown FAQs on BLS Data* (Nov. 12, 2025), <https://www.friendsofbls.org/updates/2025/11/12/2025-government-shutdown-faqs-on-bls-data>; see Lauren Kaori Gurley, *Unemployment rate rises, signaling weakness in the economy*, Washington Post (Dec. 16, 2025), <https://www.washingtonpost.com/business/2025/12/16/jobs-report-unemployment-rate/>.

<sup>15</sup> U.S. Bureau of Labor Statistics, *2025 federal government shutdown impact on the Current Population Survey* (Dec. 15, 2025), <https://www.bls.gov/cps/methods/2025-federal-government-shutdown-impact-cps.htm>.

<sup>16</sup> U.S. Bureau of Labor Statistics, *The Employment Situation – November 2025* (Dec. 16, 2025), <https://www.bls.gov/news.release/pdf/empsit.pdf>.

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](http://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 over 150,000 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 Request**

CREW requests expedited processing of this FOIA request pursuant to FOIA, 5 U.S.C. § 552 and 29 C.F.R. § 70.25(e). 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). In addition, the DOJ should grant expedited processing because this request presents a "matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 29 C.F.R. § 70.25(e)(1)(iv).

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.*, 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 over 150,000 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.

Further, the facts 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. See *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. Understanding the reasons why nearly all BLS staff were furloughed for the first time in history, despite the knowledge that doing so would make collecting CPS data impossible and would in turn severely undermine fiscal and corporate decisionmaking, is critically important to evaluating any political influence by the administration on the government's collection, analysis, and release of financial data and thus the trustworthiness of future BLS data.

The administration itself has emphasized the importance of "public trust" in BLS and its role "disseminating key data used by policymakers and businesses to make consequential decisions."<sup>17</sup> Decision-makers rely on the trustworthiness of BLS data to make decisions. For example, the absence of evidence about the country's employment situation in October influenced monetary policymakers such as Susan M. Collins, President of the Boston Federal Reserve, to take a more hesitant approach to setting the national interest rate.<sup>18</sup> Similarly, Federal Reserve Chair Jerome Powell called the delayed October data potentially "distorted," affecting the Federal Reserve's own financial decision-making which affects every American's financial wellbeing.<sup>19</sup>

Second, a delay in processing this request would "compromise a significant recognized interest." Specifically, CREW and the public would be "precluded . . . from obtaining in a timely fashion information vital to the current and ongoing debate" on the ability of the Bureau of Labor Statistics to gather and publish employment data free of political interference. *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017) (citation omitted). CPS data are used to inform research and decisionmaking by, among others, policymakers, economists, business owners, the media, students, and academics.<sup>20</sup> Expedited processing of this request would allow the American public and stakeholders to understand whether and to what extent there is political interference affecting quality and transparency of BLS data in order to better assess the reliability of the data in their ongoing decisionmaking. The administration itself has commented that the issue of BLS data integrity is of the utmost national importance and

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<sup>17</sup> See White House article *supra* n.18.

<sup>18</sup> See Jeff Cox, *Boston Fed President Collins advocates holding rates steady, sees 'high bar' for further cuts*, CNBC (Nov. 12, 2025),

<https://www.cnbc.com/2025/11/12/boston-fed-president-collins-advocates-holding-rates-steady-see-s-high-bar-for-further-cuts.html>.

<sup>19</sup> Steve Kopack, *Already shaky job market weakened in October and November, according to delayed federal data*, NBC News (Dec. 16, 2025),

<https://www.nbcnews.com/business/economy/jobs-report-november-october-payrolls-rcna249325>; Maggie Haberman and Colby Smith, *Trump Has Draft of Letter to Fire Fed Chair. He Asked Republicans if He Should Send It.*, New York Times (July 17, 2025),

<https://www.nytimes.com/2025/07/16/us/politics/trump-powell-firing-letter.html>; Kevin Breuninger, *Trump says he'd love to fire Powell, urges Bessent to 'work on' him to lower rates*, CNBC (Nov. 19, 2025), <https://www.cnbc.com/2025/11/19/trump-bessent-powell-fed-rates.html>.

<sup>20</sup> U.S. Bureau of Labor Statistics, Current Population Survey (CPS) Respondents, *How Your Data Are Used* (last updated Sept. 23, 2011), <https://www.bls.gov/respondents/cps/uses.htm>.

repeatedly stressed the issue as a top national priority.<sup>21</sup> Expedited processing will allow the American people to evaluate whether BLS's rationale for furloughing the employees necessary to capture the employment data was made under any improper influence and whether BLS data collection, analysis, and release is being guided by political considerations.

Finally, the decisions of the BLS to furlough nearly all of its staff during the lapse in appropriations, including staff responsible for conducting the CPS, and to not publish an October 2025 Employment Situation news release are federal government activities.

Separately, BLS's decision-making and leadership have generated "widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 29 C.F.R. § 70.25(e)(1)(iv). The BLS's decision to not publish the October 2025 Employment Situation news release came amid an ongoing national story about President Trump's influence on BLS. On August 1, 2025, President Donald Trump fired Commissioner of the Bureau of Labor Statistics Erika McEntarfer, suggesting without evidence that the jobs reports released that day were "RIGGED in order to make the Republicans, and ME, look bad."<sup>22</sup> Antoni's nomination for BLS Commissioner was ultimately withdrawn, precipitating widespread media interest in whether acting officials would gather CPS data for October or publish an October 2025 Employment Situation news release.<sup>23</sup>

Beyond the concerns about how leadership changes at the BLS could affect the integrity of the agency's employment data, including the decision to furlough every BLS

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<sup>21</sup> The White House, *BLS Has Lengthy History of Inaccuracies, Incompetence* (Aug. 1, 2025), <https://www.whitehouse.gov/articles/2025/08/bls-has-lengthy-history-of-inaccuracies-incompetence>; The White House, *BLS Revisions Show President Trump Was Right – Again* (Sept. 9, 2025), <https://www.whitehouse.gov/articles/2025/09/bls-revisions-show-president-trump-was-right-again>.

<sup>22</sup> Steve Kopack, Monica Alba and Laura Strickler, *Trump fires labor statistics boss hours after the release of weak jobs report*, NBC News (Aug. 1, 2025), <https://www.nbcnews.com/business/economy/trump-orders-firing-bls-commissioner-weak-jobs-report-rcna222531>; Michel Martin, *What could Trump's firing of a BLS commissioner mean for the integrity of data?*, NPR (Aug. 4, 2025), <https://www.npr.org/2025/08/04/nx-s1-5491562/what-could-trumps-firing-of-a-bls-commissioner-mean-for-the-integrity-of-data>; Howard Kurtz, *Trump fires labor official over weak jobs numbers, orders criminal probes of past opponents*, Fox News (Aug. 5, 2025), <https://www.foxnews.com/politics/trump-fires-labor-official-over-weak-jobs-number-orders-criminal-probes-past-opponents>.

<sup>23</sup> See Meredith Lee Hill, Sam Sutton, and Lawrence Ukenye, *White House withdraws E.J. Antoni's nomination to lead BLS*, Politico (Sept. 30, 2025), <https://www.politico.com/news/2025/09/30/white-house-withdraws-ej-antoni-nomination-lead-bls-00589289>; Amanda Macias, *Trump's pick to lead labor stats agency could pause monthly jobs report over accuracy concerns*, Fox Business (Aug. 12, 2025), <https://www.foxbusiness.com/politics/trumps-bls-pick-could-pause-monthly-jobs-report-over-accuracy-concerns>; Ryan J. Reilly, *Trump Bureau of Labor Statistics nominee was a 'bystander' outside Capitol on Jan. 6, White House says*, NBC News (Aug. 13, 2025), <https://www.nbcnews.com/politics/justice-department/trump-bureau-labor-statistics-nominee-ej-antonio-jan-6-bystander-rcna224645>; Tony Romm, Ben Casselman, and Lydia DePillis, *White House Pulls Pick to Lead Labor Data Agency*, New York Times (Sept. 30, 2025), <https://www.nytimes.com/2025/09/30/business/bls-nominee-withdrawn.html>.

employee other than Acting Commissioner Wiatrowski and therefore not collect CPS survey data for the month of October, there remains significant media interest in the employment data itself, including the qualitative impact of not collecting October data on forthcoming employment reports.<sup>24</sup>

The American people have an interest in understanding how and why the decision was made to furlough the BLS employees responsible for collecting CPS data, leading to the first time the monthly Employment Situation report was missed in 77 years. Releasing this information in an expedited fashion would address the public's urgent need to resolve questions about the government's integrity related to the mass BLS furloughs and non-collection of CPS data that affect public confidence in BLS data.

The undersigned certifies that the representations in the foregoing Request for Expedited Processing are true and correct to the best of their knowledge and belief.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [kfarchadi@citizensforethics.org](mailto:kfarchadi@citizensforethics.org) and [foia@citizensforethics.org](mailto: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 [kfarchadi@citizensforethics.org](mailto:kfarchadi@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Kayvan Farchadi, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

/s/Kayvan Farchadi  
Senior Counsel

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<sup>24</sup> See Alicia Wallace, *How the shutdown affected Tuesday's jobs data*, CNN Business (Dec. 16, 2025), [https://www.cnn.com/business/live-news/us-jobs-report-november-retail-sales?post\\_id=cmj8rrzby00003j6s7tn36uvw](https://www.cnn.com/business/live-news/us-jobs-report-november-retail-sales?post_id=cmj8rrzby00003j6s7tn36uvw); Rebecca Davis O'Brien, *Unemployment Rate Rises, a Warning Sign for the U.S. Economy*, New York Times (Dec. 16, 2025), <https://www.nytimes.com/2025/12/16/business/economy/jobs-report-unemployment-november.html>; Chao Deng, Harriet Torry, and Justin Lahart, *U.S. Unemployment Rose in November Despite Job Gains*, Wall Street Journal (Dec. 16, 2025), [https://www.wsj.com/economy/jobs/jobs-report-october-november-2025-unemployment-economy-7f6eea90?mod=hp\\_lead\\_pos1](https://www.wsj.com/economy/jobs/jobs-report-october-november-2025-unemployment-economy-7f6eea90?mod=hp_lead_pos1).