



December 23, 2025

FOIA Officer
Small Business Administration
409 3rd St., SW
Washington, DC 20416

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 Small Business Administration ("SBA") regulations.

Specifically, CREW requests:

1. From September 1, 2025 to November 1, 2025:
 - a. Any communication, summaries of communication, or directives from the Office of Management and Budget ("OMB") and/or the Department of Justice's Office of Legal Counsel ("OLC") to SBA regarding the Reduction in Force ("RIF") of SBA employees which occurred on September 29, 2025,
 - b. Any communication or summaries of communication within SBA regarding the RIF of SBA employees which occurred on September 29, 2025
2. From November 9, 2025 to December 1, 2025:
 - a. Any communication, summaries of communication, or directives within SBA, including communications, summaries of communication, or directive directed to employees who had a RIF effective date of October 29, 2025, regarding the reinstatement of RIFed SBA employees, including communications including the following terms,
 - i. Reinstatement
 - ii. Reduction in Force or RIF
 - iii. Continuing Resolution or CR
 - iv. Self executing or self-executing
 - v. Payout
 - vi. Payroll
 - vii. Back pay
 - viii. Separation
 - ix. Unused leave
 - x. Health insurance

- b. We request prioritization of communication, summaries of communication, and directives received by or sent to the email account RIF@sba.gov and the following individuals and departments within SBA:
 - i. The Chief of Human Capital Officer
 - ii. Workforce Relations Division
 - iii. Workforce Acquisition Division
 - iv. National Labor Relations
 - v. Office of Human Resource Solutions ("OHRS")
3. From November 17, 2025 to the date this request is processed:
 - a. Any communication, summaries of communication, or directives from OMB and/or OLC to SBA regarding the RIF of SBA employees, including the following terms
 - i. Reinstatement
 - ii. Reduction in Force or RIF
 - iii. Continuing Resolution or CR
 - iv. Self executing or self-executing
 - v. Payout
 - vi. Payroll
 - vii. Back pay
 - viii. Separation
 - ix. Unused leave
 - x. Health insurance
 - b. Any communication, summaries of communication, or directives within SBA regarding the RIF of SBA employees whose effective RIF date was November 17, 2025, including the following terms
 - i. Reinstatement
 - ii. Reduction in Force or RIF
 - iii. Continuing Resolution or CR
 - iv. Self executing or self-executing
 - v. Payout
 - vi. Payroll
 - vii. Back pay
 - viii. Separation
 - ix. Unused leave
 - x. Health insurance

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 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).

SBA was established as an independent government agency through the Small Business Act of 1953, signed into law by President Eisenhower.¹ Since then, SBA has served the American people by providing loans, specialized services and counseling, and expertise to small businesses across the country.² The independence of this agency, as well as other government agencies across the federal government, has recently come under, specifically through the RIF of employees within the SBA.³

On September 29, 2025, two days before the shutdown of the federal government occurred, SBA issued a notice of RIF to 76 SBA employees.⁴ The notice marked the effective end date of the employees' positions within SBA as October 29, 2025,⁵ during the period of

¹ *Celebrating 70 years of service to America's small businesses*, SBA (December 16, 2025) <https://www.sba.gov/about-sba/organization/observances/celebrating-70-years-service-americas-small-businesses>.

² *About SBA*, SBA (December 16, 2025) <https://www.sba.gov/about-sba>.

³ Jory Heckman, *SBA told laid-off employees they could get their jobs back. It rescinded that offer a day later*, Federal News Network (December 17, 2025) <https://federalnewsnetwork.com/workforce/2025/11/sba-told-laid-off-employees-they-could-get-their-jobs-back-it-rescinded-that-offer-a-day-later/>.

⁴ *Id.*

⁵ Eric Katz, *State becomes the latest agency to proceed with RIFs despite statutory pause*, Government Executive (December 17, 2025) <https://www.govexec.com/workforce/2025/12/state-becomes-latest-agency-proceed-rifs-despite-statutory-pause/409882/>.

the government shutdown. On November 17, 2025, following the November 12, 2025 passage of the Continuing Resolution (“CR”), 2025,⁶ SBA sent notices to the 76 employees that received RIF notices, stating their positions at SBA had been reinstated. Following this update from SBA, the next day, November 18, 2025, these employees received communication from SBA, telling them to disregard the communication from November 17th that their positions had been reinstated, and further iterated that these employee’s positions had been terminated.⁷

The language of the continuing resolution clearly states that, “during the period between the date of enactment of this Act [November 12, 2025] and the date specified in section 106(3) of this Act [January 30, 2026], no federal funds may be used to initiate, carry out, implement, or otherwise notice a reduction in force to reduce the number of employees within any department, agency, or office of the Federal Government.”⁸ The actions of SBA to continue with the RIF of the aforementioned employees presents a violation of this section, and defies the bipartisan understanding which led to the passage of the CR, ending the longest federal government shutdown in American history.⁹ On December 17, 2025 U.S. District Court Judge Susan Illston of the Northern District of California issued a preliminary injunction,¹⁰ rescinding these RIF notices to the SBA employees, as well as other government employees across the federal government. Judge Illston agreed with Plaintiffs’ claim that the execution of these RIFs violated the terms of the CR.

The American people deserve transparency and accountability from their leaders, especially from the leaders of an independent government agency that has long championed the success of the average American business owner. The requested records will be shared to the general public to help Americans better understand the inner workings of the federal government, and further hold our leaders accountable to ensure they are complying with federal law.

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.

⁶ “H.R.5371 - Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026”, Congress.gov (December 17, 2025)

<https://www.congress.gov/bill/119th-congress/house-bill/5371/all-actions>

⁷ *Id.*

⁸ *Id.*

⁹ Heckman, Jory. “Federal judge orders reversal of hundreds of layoffs finalized during shutdown” Federal News Network

<https://marylandmatters.org/2025/12/18/federal-judge-orders-reversal-of-hundreds-of-layoffs-finalized-during-shutdown/>

¹⁰ *Id.*

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 blog posts 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.

Request for Expedition

CREW requests expedited processing of this request, pursuant to FOIA and SBA regulations. *See* 5 U.S.C. § 552(a)(6)(E); 13 C.F.R. § 102.5(e). CREW is entitled to expedited processing because (1) there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity” and CREW is “primarily engaged in disseminating information.” 5 U.S.C. § 552(6)(E)(v)(II); 13 C.F.R. § 102.5(e)(1)(ii). CREW is also entitled to expedited processing because these same facts raise possible questions, in “[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence.” 13 C.F.R. § 102.5(e)(1)(iv)

CREW is entitled to expedited processing because there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity” and CREW is “primarily engaged in disseminating information.”

First, 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).

- (1) First, the same facts that justify a fee waiver mandate an expedited response to this request because they demonstrate a particularly urgent need to inform the public about SBA's and OMB's decision to violate the terms of the Continuing Resolution and unlawfully proceed with the RIF of 76 SBA employees. These RIF notices are "the subject of a currently unfolding story."¹¹ *See Al-Fayed*, 254 F.3d at 310. On December 17, 2025 a federal judge issued a preliminary injunction to rescind these RIF notices for SBA employees, as well as other government employees across the federal government.¹²

SBA has not only communicated these RIFs poorly and in a tumultuous manner within the agency, it has further caused public confusion and showcased a lack of transparency between the federal government and the American people. Because the RIF'd employees will suffer job loss, including their income, healthcare, and other benefits absent a greater understanding of the justifications for their RIFs and the public's ability to engage in this important conversation, there is an urgent need for expedited release of the requested records. Furthermore, the CR, passed on November 12, 2025 will expire on January 30, 2026. Congress urgently needs to understand the ways in which agencies of the executive branch have failed to comply with, or sought to bypass, the terms of the current CR, in order to craft legislation over the coming month to ensure that the government is funded and that federal government employees are protected. CREW plans to disseminate any information gained from this FOIA request to the public, in order to share with the media and the general public more details regarding the RIF of these SBA employees and gain a better understanding of governmental processes.

- (2) Second, a delay in processing this request would "compromise a significant recognized interest." *Al-Fayed*, 254 F.3d at 310. Specifically, CREW and the public would be "precluded . . . from obtaining in a timely fashion information vital to the current and ongoing debate" on the substance of the January 6 Defendants' claims. *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017) (citation omitted). "Being closed off from such a debate is itself a harm in an open

¹¹ See Zoe Tillman, Trump Pardoned Them for Jan. 6. Now They Want Millions of Dollars, Bloomberg (Dec. 10, 2025),

https://www.bloomberg.com/news/articles/2025-12-10/trump-pardoned-them-for-jan-6-now-they-want-millions-of-dollars?utm_medium=email&utm_source=author_alert&utm_term=251210&utm_campaign=author_22946324; Peter Yankowski, Lawyer seeking money for Jan. 6 Capitol rioters says some may be from Connecticut, Connecticut Post (Dec. 11, 2025),

<https://www.ctpost.com/news/article/ct-jan-6-rioters-claim-money-goverment-21237258.php>.

¹² Heckman, Jory. "Federal judge orders reversal of hundreds of layoffs finalized during shutdown", Maryland Matters

<https://marylandmatters.org/2025/12/18/federal-judge-orders-reversal-of-hundreds-of-layoffs-finalized-during-shutdown/>.

democracy." *Id.* As previously explained, the employees of the SBA and other government agencies have a right to participate in this public debate, particularly due to their employment interests. Similarly, members of Congress have a significant interest in understanding how agencies like SBA are complying with the CR, and information that SBA has received from other agencies and components within the government, including OMB and OLC, in order to have a fulsome debate about the upcoming government funding debate and make important decisions about drafting legislation to continue funding the government. Members of the public similarly have an interest in obtaining this information in order to influence their legislators on priorities for the upcoming funding debate. Without the requested information, each of these parties will be cut off from this important debate.

This request must be processed urgently so that the American public can review the requested information and ensure that the federal government is complying with the terms of the CR and Judge Illston's order, as well as understanding the rationale the government has presented to justify its RIFs of federal government employees.

- (3) Third, the federal government's decision to fire SBA employees, in spite of the plain language of the CR, is a quintessential federal governmental activity.

CREW is entitled to 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."

CREW is also entitled to expedited processing because this request pertains to "[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence." 13 C.F.R. at § 102.5 (e)(1)(iv). This request involves the illegal firing of federal government employees. The terms of the CR clearly state that "no federal funds may be used to initiate, carry out, implement, or otherwise notice a reduction in force to reduce the number of employees within any department, agency, or office of the Federal Government,"¹³ between October 1, 2025 and January 30, 2026. The actions carried out by SBA to continue with the RIF of these employees is in direct opposition of the CR, as well as congressional will. A federal court has issued a preliminary injunction, striking down these illegal firings, yet it remains unclear whether the SBA employees have been reinstated and received backpay. Furthermore, the continued RIFs across other agencies¹⁴ within the federal government demonstrate a larger question of the government's integrity in this matter, and showcase a need for transparency and accountability for the government's actions. Without assurances that agencies of the executive branch are complying with Congress's will, the American public cannot have confidence in the federal government's integrity.

¹³ "H.R.5371 - Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026", Congress.gov (December 17, 2025)

<https://www.congress.gov/bill/119th-congress/house-bill/5371/all-actions>

¹⁴ Heckman, Jory. "Federal judge orders reversal of hundreds of layoffs finalized during shutdown", Maryland Matters

<https://marylandmatters.org/2025/12/18/federal-judge-orders-reversal-of-hundreds-of-layoffs-finalized-during-shutdown/>

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at irogers@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 irogers@citizensforethics.org and foia@citizensforethics.org or by mail to Isabel Rogers, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,



Isabel Rogers
Policy Associate