



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, DC 20416

OFFICE OF GENERAL COUNSEL

August 11, 2021

Austin R. Evers
Executive Director
American Oversight
1030 15th Street, NW, Suite B255
Washington, DC 20005
FOIA@americanoversight.org

Dear Mr. Evers,

This letter is in response to your Freedom of Information Act (“FOIA”) request No. SBA-2021-000464 in which you requested the following:

All orders, directives, guidance, or memoranda (including informal direction distributed to your agency’s officers, agents, members, contractors, or grantees) regarding the implementation of OMB guidance banning specific diversity and inclusion trainings (M-20-34 and M-20-37) and President Trump’s executive order on “Combating Race and Sex Stereotyping” (EO-13950).

Examples of records that are responsive to this request include, but are not limited to:

- i. Guidance for identifying which programs or contracts qualify as “divisive” as specified in section 4 of the executive order;
- ii. Records memorializing the termination of contracts as a consequence of this executive order or related guidance;
- iii. Instructions to employees regarding reporting trainings or contracts which violate the executive order and related guidance, including specific email addresses for this purpose;
- iv. Instructions regarding retaliatory measures for noncompliance;
- v. Records sufficient to identify which senior political appointee or appointees will be tasked with reviewing and approving agency expenditures on employee diversity and inclusivity training.

Please provide all responsive records from September 4, 2020, through the date the search is conducted.

SBA has performed a search of its records and no documents exist that are responsive to your request.

If you are dissatisfied with the Agency's decision, you may file an administration appeal within 90 days of the date of this letter to:

Office of Hearings and Appeals
Attention: Oreoluwa Fashola, FOIA Office
409 3rd Avenue, SW – 8th Floor
Washington, D.C. 20416

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison in the Office of Hearings and Appeals, the Office of Government Information Services ("OGIS"), the Federal FOIA Ombudsman's Office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
877-684-6448

Sincerely,

/s/ *Eric S. Benderson*
Eric S. Benderson
Chief FOIA Officer
Office of General Counsel
U.S. Small Business Administration