

Congress of the United States  
U.S. House of Representatives  
Committee on Small Business  
2561 Rayburn House Office Building  
Washington, DC 20515-6515

January 13, 2026

The Honorable Kelly Loeffler  
Administrator  
U.S. Small Business Administration  
409 3<sup>rd</sup> St. SW  
Washington, DC 20416

Dear Administrator Loeffler:

I write to again request information regarding the Small Business Administration's (SBA) information collection request (ICR) for small businesses participating in the 8(a) Business Development Program and to express my serious concerns regarding the SBA's use of "emergency" procedures to do so.<sup>1</sup>

From our previous correspondence, you are aware of my concerns regarding the SBA's attacks on the 8(a) Program and the small businesses who participate, including the lack of information or evidence presented by the SBA to support the claims made and inflammatory rhetoric used. But the SBA's categorization of its request to the Office of Information and Regulatory Affairs (OIRA) as an "emergency"<sup>2</sup> and the characterizations made about small businesses in the SBA's justification have heightened concerns over the intent of these ill-defined and open-ended reviews.

Under 44 U.S.C. § 3507, where the criteria governing emergency ICR requests are listed, the statute states that these requests are permitted primarily when an agency cannot meet statutorily imposed, court-ordered, or other deadlines. The SBA's "emergency" request does not reference any deadline. Further, the SBA sought not only to bypass the public comment procedures that ensure transparency and accountability in agency decision making, but also to bypass public notification requirements. The SBA's determination that public comments were not necessary or required is inconsistent with the law and deprives over 4,000 small firms of any opportunity to provide feedback on the ICR's impact.<sup>3</sup> But the SBA's request to waive the Federal Register Notice, while at the same time issuing a press release on the action, appears designed specifically to avoid public disclosure of the ICR's significant compliance burden and costs.

---

<sup>1</sup> Justification for Emergency Processing: Audit Request for Participants in the 8(a) Business Development Program (Nov. 18, 2025). [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=202511-3245-001](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202511-3245-001)

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

<sup>3</sup> 44 U.S.C. §§3501-3521, Paperwork Reduction Act of 1995.

The SBA states that it anticipates receiving 4,500 responses and calculated that compliance with the request would collectively require small firms to invest 382,500 hours and \$32,420,700.<sup>4</sup> Put differently, the SBA mandated each of these small businesses spend up to 85 hours and \$7,200 per respondent to provide extensive documentation within weeks, making it by far the agency's most burdensome information collection currently approved by OIRA. In comparison, the SBA's only currently approved information collection with a greater total compliance cost—totaling 712,451 hours and just over \$36.6 million on 1,331,248 small business loan applicants and lenders—anticipates a total burden of about a half hour and less than \$28 per respondent.<sup>5</sup>

Last week, in testimony before this committee, the Chief Counsel of the SBA's Office of Advocacy objected to "shortcuts that prevent small-business burdens from being identified and minimized... so that small businesses are not ambushed by avoidable paperwork, compliance costs, and enforcement risks."<sup>6</sup> Meanwhile, the SBA's own request bypassed required processes, included constrained timelines over a holiday season, acknowledged duplicative paperwork,<sup>7</sup> imposed significant compliance costs, and threatened "further investigative or additional remedial action."<sup>8</sup> In this light, it is concerning that the SBA sought to waive the public notification requirements that would have included the disclosure of its significant compliance costs, and instead issue a press release that does not.

Further, the SBA's request stated that "the use of normal clearance procedures is extremely likely to prevent or disrupt the collection of essential information that may be altered, destroyed, or otherwise concealed by those seeking to evade enforcement."<sup>9</sup> Again, the SBA did not cite any evidence to support their accusation of previous wrongdoing by these companies, nor did they provide any evidence to justify the accusations of future wrongdoing. The SBA regularly collects much of this information from 8(a) Program participants as they are certified, when they establish and maintain their eligibility annually, and at the time of contract award—making the use of this rhetoric and these procedures particularly troubling.

Pursuant to Rule X of the House of Representatives, the Committee on Small Business has broad authority to investigate "problems of all types of small business." The Committee possesses jurisdiction over "assistance to and protection of small businesses." Accordingly, I am again requesting a response containing the information requested on July 18, 2025 and December 19, 2025, as well as the requests below, in written form or via briefing, by January 30, 2026:

1. Please describe the SBA's determinations that this ICR met the criteria laid out in 44 U.S.C. § 3507(j)(1), including how the information collection (i) was needed prior to the

---

<sup>4</sup> Supra Note 1.

<sup>5</sup> Paycheck Protection Loan Program Borrower Information Form and Lender's Application for Loan Guaranty (Nov. 14, 2025). [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202508-3245-008](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202508-3245-008).

<sup>6</sup> House Small Business Committee Hearing: "A Voice for Small Business: How the SBA Office of Advocacy is Cutting Red Tape" (Jan. 7, 2025).

<sup>7</sup> Email from U.S. SMALL BUS. ADMIN. (Dec. 5, 2025): "To the extent that your firm submitted any particular information in routine annual reporting, that particular information need not be submitted again."

<sup>8</sup> Email from U.S. SMALL BUS. ADMIN. (Dec. 5, 2025): "Failure to respond to the SBA's inquiry may result in a determination that your firm is not eligible for continued participation in the 8(a) Program and may result in further investigative or additional remedial action."

<sup>9</sup> Supra Note 1.

expiration of time periods established [in this subchapter]; *and* (ii) is essential to the mission of the agency.

- a. Please identify which of the criteria in 44 U.S.C. § 3507(j)(1)(B) was included in the SBA's determination and describe how the SBA made the determination.
2. OIRA's guidance implementing the Paperwork Reduction Act (PRA) states that emergency clearances are "granted only when there is a time-sensitive need for the collection based on very specific criteria for reasons outside of the agency's control... [and are] only eligible for this type of approval if the standard PRA approval process would cause: Likely public harm (such as the delivery of resources after a natural disaster) [or] Missing a court-ordered or statutory deadline." Which of these criteria did the SBA use to seek the "emergency" ICR?
    - a. Please describe how the publication of a Federal Register Notice would "cause public harm" or list either (a) the case imposing a court-ordered deadline or (b) the law including a statutory deadline.
  3. What evidence did the SBA collect or identify to support its claim that small businesses may "alter, destroy, or otherwise conceal" information to "evade enforcement?"
  4. Other federal agencies' requests for emergency ICRs using similar criteria requested and received approval for shortened but concurrent public comment periods.<sup>10</sup> Why did the SBA request no public comment period, rather than a shortened, or concurrently implemented comment period?
  5. Please describe the factors the SBA considered when deciding between publishing a Notice in the Federal Register on the 8(a) Program ICR and publishing the SBA's December 5, 2025 press release.
    - a. Specifically, if the SBA judged that "the use of normal clearance procedures [was] reasonably likely to prevent or disrupt the collection of information," how did the SBA determine publicly sharing that information with media outlets would not have a similar effect?
  6. The SBA's emergency justification states that "the information collection involves minimal burden," however, the agency estimates that compliance with this ICR will cost small firms up to \$32.4 million in total and up to 85 hours for each firm. What information did the SBA use to determine that the burden of this request was minimal?
  7. If recent reporting contributed to the agency's decision that "the use of normal clearance procedures [was] reasonably likely to prevent or disrupt the collection of information," will the SBA reconsider publicly sharing information about its ongoing 8(a) Program reviews with media outlets in the future?
  8. Information that the SBA provided to OIRA states that any confidential information submitted will be "received through SBA's secure environment" but also noted that "there

---

<sup>10</sup> Justification for Emergency Processing: Non-Domiciled Commercial Driver's License Records (Sept. 25, 2025). [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=202509-2126-004#section2\\_anchor](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202509-2126-004#section2_anchor).

is no assurance of confidentiality” for the sensitive information provided by small firms. Why is the SBA unable to assure small businesses of the confidentiality of their sensitive or proprietary information, including financial and employee data?

- a. What specific information does the SBA plan to make public, and would this information typically be considered sensitive or confidential?
  - b. What if any steps is the SBA taking to protect the information that 8(a) Program firms are required to provide in response to this emergency ICR?
9. The SBA’s press release states, “All 4,300 8(a) [Program] participants are mandated to provide financial documents for the last three fiscal years,”<sup>11</sup> while the “emergency” request to OIRA included that the SBA anticipated receiving 4,500 responses. Please provide an accurate number of small businesses impacted, describe the reason for the discrepancy, and state how the SBA plans to review and act on any similar paperwork discrepancies if they occur in the ICR responses submitted by small businesses.
10. Given that the ICR posed predictable and foreseen challenges for small firms and required the SBA to respond to comments and provide public clarifications—which is essentially the notice and comment process you sought to circumvent—was the decision conceal the ICR by making an “emergency” request and avoiding that process a mistake?

I appreciate your time and attention to this matter. If you have any questions or to schedule a briefing, please contact the Committee’s Democratic staff at (202) 225-4038.

Thank you,



Nydia M. Velázquez  
Ranking Member  
Committee on Small Business

---

<sup>11</sup> News release 26-12, SBA Orders All 8(a) Participants to Provide Financial Records (Dec. 5, 2025).