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COMMITTEE ON SMALL BUSINESS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: ARTHUR PLEWS

Tuesday, June 11, 2024

Washington, D.C.

The interview in the above matter was held in Room 4400, O'Neill House Office Building, commencing at 9:57 a.m.

Present: Representative Meuser.

1 Appearances:

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3

4 For the COMMITTEE ON SMALL BUSINESS:

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1 Ms. Holmes. Okay. I think we can go on the record.

2 This is a transcribed interview of Mr. Arthur Plews, conducted by the Committee
3 on Small Business under the authority granted under House rule X and the rules of the
4 Committee on Small Business.

5 This interview was requested by Chairman Williams as part of the committee's
6 oversight of the Small Business Administration's voter registration efforts.

7 Can the witness please state their name and spell their last name for the record?

8 Mr. Plews. Arthur Plews, P-l-e-w-s.

9 Ms. Holmes. Thank you.

10 Mr. Plews, my name is Lauren Holmes. I'm the general counsel for the majority
11 staff on the Committee on Small Business. I want to thank you for coming in today
12 voluntarily. We recognize that that is a big feat, and we appreciate it.

13 Under the committee's rules, you are allowed to have an attorney present to
14 advise you during this interview. Do you have an attorney representing you in a
15 personal capacity present with you today?

16 Mr. Plews. I do.

17 Ms. Holmes. Can the attorney please identify himself for the record?

18 Mr. Levy. Joshua Levy, counsel for the witness.

19 Ms. Holmes. Is there also an attorney present representing the agency today?

20 Ms. Meers. There is.

21 Ms. Holmes. Can the counsels please identify themselves?

22 Ms. Meers. Therese Meers, agency counsel.

23 Mr. Cantlon. Jaime Cantlon, agency counsel.

24 Mr. Fishman. David Fishman, Deputy Associate General Counsel for Litigation.

25 Ms. Holmes. And the final Small Business Administration member?

1 Mr. Holman. George Holman, Associate Administrator for Congressional and
2 Legislative Affairs.

3 Ms. Holmes. Thank you.

4 For the record, starting with majority staff, can the additional staff members
5 please introduce themselves with their name, title, and affiliation?

6 Mr. Eckhardt. Christopher Eckhardt, law clerk for the majority staff of the
7 committee.

8 Mr. Albrecht. Alex Albrecht, counsel for the majority staff on the Small Business
9 Committee.

10 Mr. VanHyfte. Matt VanHyfte, director of communications for the majority.

11 Mr. Lambert. Ryan Lambert, professional staff member for the majority.

12 Ms. Beca-Barragan. Renata Beca, senior counsel with the minority.

13 Ms. Harrington. Ellen Harrington, deputy staff director, House Small Business
14 Committee minority staff.

15 Ms. Holmes. Thank you all.

16 Mr. Plews, before we begin, I'm going to go over some of the ground rules for this
17 interview.

18 As previously agreed to by counsel for Mr. Plews and majority staff, the scope of
19 this interview is anything discussed in the video released by James O'Keefe on April 17,
20 2024; official and political travel of senior SBA officials; voter registration efforts by the
21 SBA or senior SBA officials, including but not limited to the MOU with Michigan and
22 Executive Order 14019; senior SBA officials' or SBA's participation in political campaigns;
23 political activity at the SBA or by senior SBA officials.

24 The way this interview will proceed is as follows: The majority and minority staff
25 will alternate asking you questions, 1 hour per side per round, until each side is finished

1 with their questioning. The majority staff will begin and proceed for an hour, and then
2 minority staff will have an hour to ask questions. We will then alternate back and forth
3 in this manner until both sides have no more questions.

4 If either side is in the middle of a specific line of questions, they may choose to
5 end a few minutes past an hour to ensure completion of that specific line of questioning,
6 including any pertinent followups.

7 In this interview, while one member of each staff for each side may lead the
8 questioning, additional staff may ask questions.

9 As you can see, there's a court reporter taking down everything I say and
10 everything you say to make a written record of this interview. For the record to be
11 clear, please wait until the staffer questioning you has finished each question before you
12 begin your answer, and the staff will wait until you finish your response before
13 proceeding to the next question.

14 Further, to ensure the court reporter can properly record this interview, please
15 speak clearly, concisely, and slowly. Also, the court reporter cannot record nonverbal
16 answers, such as nodding or shaking your head, so it's important that you answer each
17 question with an audible, verbal answer.

18 Do you understand?

19 Mr. Plews. I do.

20 Ms. Holmes. We want you to answer our questions in the most complete and
21 truthful manner possible so we will take our time.

22 If you have any questions or do not fully understand the question, please let us
23 know, and we will attempt to clarify, add context to, or rephrase our questions.

24 Do you understand?

25 Mr. Plews. I do.

1 Ms. Holmes. If we ask about specific conversations or events in the past and you
2 are unable to recall the exact words or details, you should testify to the substance of
3 those conversations or events to the best of your recollection. If you recall only part of
4 a conversation or event, you should give us your best recollection of those events or parts
5 of conversations that you do recall.

6 Do you understand?

7 Mr. Plews. I do.

8 Ms. Holmes. Although you are here voluntarily and we will not swear you in, you
9 are required, pursuant to 18 U.S.C., section 1001, to answer questions from Congress
10 truthfully. This also applies to questions posed by congressional staff in an interview.

11 Do you understand?

12 Mr. Plews. I do.

13 Ms. Holmes. If at any time you knowingly make false statements, you could be
14 subject to criminal prosecution. Do you understand?

15 Mr. Plews. I do.

16 Ms. Holmes. Is there any reason you are unable to provide truthful testimony in
17 today's interview?

18 Mr. Plews. No.

19 Ms. Holmes. Please note that if you wish to assert a privilege over any
20 statement today, that assertion must apply within the rules of the Committee on Small
21 Business.

22 For the chair to consider assertions of privilege over testimony or statements,
23 witnesses or entities must clearly state the specific privilege being asserted and the
24 reason for the assertion on or before the scheduled date of testimony or appearance.

25 Do you understand?

1 Mr. Plews. I do.

2 Ms. Holmes. Ordinarily we take a 5-minute break at the end of each hour of
3 questioning, but if you need a longer break or a break before that, please let us know;
4 we're happy to accommodate. However, to the extent that there is a pending question,
5 we would ask that you finish answering the question before we take the break.

6 Do you understand?

7 Mr. Plews. I do.

8 Ms. Holmes. Do you have any other questions before we begin?

9 Mr. Plews. No.

10 Ms. Holmes. Okay. The time is now 10:01, and the majority will begin their
11 questioning.

12 EXAMINATION

13 BY MS. HOLMES:

14 Q Mr. Plews, how long have you worked at the SBA?

15 A I have served at the SBA twice. Do you mean my total time in service or at
16 each --

17 Q Total time is fine.

18 A About 6 years total.

19 Q So your first stint, can you remember what years those were?

20 A 2014 to 2017.

21 Q And what was your role then?

22 A I started as a policy advisor.

23 Q What does that role entail?

24 A At the time, that role entailed exploring new ideas and initiatives for the
25 agency.

- 1 Q Okay. And then you went to private practice?
- 2 A I held one other position after policy advisor.
- 3 Q Okay. What was that?
- 4 A Chief Innovation Officer.
- 5 Q Okay. And what did that position entail?
- 6 A Primarily working on technology initiatives for the agency.
- 7 Q Okay. And then your second stint at the SBA started?
- 8 A Second stint began in January of 2021.
- 9 Q Okay. And that's the one you currently hold?
- 10 A I began as our Deputy Chief of Staff.
- 11 Q In 2021. Do you remember what month?
- 12 A January 2021.
- 13 Q Okay. And when were you promoted to Chief?
- 14 A I'm not sure exactly. I believe it was around May of 2022.
- 15 Q Was there a little overlap in there? Is that --
- 16 A No.
- 17 Q Oh, okay.
- 18 A I just don't remember the exact date.
- 19 Q That's okay.
- 20 Prior to the SBA, where did you work?
- 21 A The first time?
- 22 Q Yeah.
- 23 A McKinsey & Company.
- 24 Q Okay. And what did you do there?
- 25 A I was an associate.

1 Q And then in your break between your two stints, what were you doing?

2 A I worked at a technology company called Stripe.

3 Q Okay. What did you do for them?

4 A I started on the business operations team.

5 Q Okay.

6 Have you ever worked for any campaigns?

7 A Yes, I have.

8 Q Can you tell us which ones?

9 A I worked for two congressional campaigns that were sequential, a special
10 election and then a primary, for Congressman Andre Carson from Indianapolis.

11 I've also volunteered for campaigns.

12 Q Okay. Which campaigns did you volunteer for?

13 A I'm not sure I can recall them all off the cuff.

14 I recall volunteering for President Obama's 2008 election campaign; Senator Joe
15 Donnelly's campaign; I'm unsure of the year; Senator Clinton's campaign for President;
16 and President Biden's campaign for President in 2020.

17 Q When you were policy advisor, that was, you said, 2014 to 2016?

18 A I'm unsure of the date when I switched from policy advisor to Chief
19 Innovation Officer.

20 Q Okay. What were your day-to-day responsibilities as policy advisor?

21 A They varied. It included exploring new ways to use data about small
22 businesses, exploring new ways of providing capital to institutions that might lend to
23 small businesses, tracking data about small businesses.

24 Q Did that ever involve events or prep for events?

25 A By "events," do you mean things that members of the public would come to

1 or -- do you just want to be more specific?

2 Q SBA-sponsored events.

3 A I don't recall working on events in that role, but I may have.

4 Q Okay.

5 And then you moved up to Chief Innovation Officer?

6 A That's right.

7 Q How did your day-to-day responsibilities change?

8 A I'm not sure I can recall exactly how they changed the moment I
9 transitioned, but as Chief Innovation Officer, I worked on a number of different
10 technology-related projects. For instance, we created a digital service team at the
11 agency.

12 Q Okay. Was that a political position or a career one?

13 A Which one?

14 Q The Chief Innovation Officer.

15 A It was a political position.

16 Q Political. Okay.

17 What precipitated you to leave that office, or that position?

18 A I served until the last day of President Obama's term in office.

19 Q Okay.

20 How many people did you oversee as the CIO?

21 A I don't recall having direct reports as the Chief Innovation Officer.

22 And just as a point of clarification, the agency uses "CIO" to refer to our Chief
23 Information Officer, a different position.

24 Q Okay. How does it refer to the one you were in?

25 A We don't have the position currently filled. And I --

1 Q Oh, okay.

2 A -- don't recall that there was a systematic abbreviation that everyone used.

3 Q Okay.

4 When you were Deputy Chief of Staff, that was January '21, you said?

5 A That's when I started, yes.

6 Q Okay. What made you want to come back to the SBA?

7 A I like the mission of the SBA. I like working in economic policy. I was
8 interested in rejoining the administration generally, and I was aware that the
9 now-Administrator had been nominated to be the Administrator, and I was interested in
10 working with her again.

11 Q "Again." You had worked with her before?

12 A She and I served at the same time during President Obama's term.

13 Q Okay.

14 Who hired you? Do you remember?

15 A For which job?

16 Q For Deputy Chief.

17 A I had conversations with someone working for the Presidential transition and
18 with the Administrator. I believe, officially, the agency hired me.

19 Q Okay. What were your day-to-day responsibilities as the Deputy Chief?

20 A I worked primarily on policy and operations. At the time I was Deputy Chief
21 of Staff, the agency was still implementing some of our very large pandemic relief
22 programs, and so those took up the bulk of my time.

23 Q Did you ever work on events?

24 A I don't recall working on events. No, I can't recall doing so.

25 Q Okay. So the operations side of your Deputy Chief role, what did that

1 entail? What was covered under that?

2 A I don't know that there's a firm delineation between policy and operations,
3 but that could include something like how many staff are allocated to what type of
4 processing for what type of program.

5 Q Okay. Did it involve scheduling?

6 A I don't recall playing a role in scheduling while Deputy Chief of Staff.

7 Q Okay. The policy side was that you made recommendations to the
8 Administrator on policy? Or how did that look?

9 A Yes, I would make recommendations to the Administrator. I worked with
10 other agency officials on how our program should look.

11 "Policy" is also a term that can encompass many things.

12 Q I can understand that.

13 Who was the Chief when you were Deputy?

14 A His name is Antwaun -- oh, sorry, this is when I was Deputy Chief of Staff?

15 Q Uh-huh.

16 A Antwaun Griffin.

17 Q Why did they leave?

18 A I don't know, actually.

19 Q Okay. Did you take over right after he left?

20 A I believe I was Acting Chief of Staff for a period of time before officially taking
21 the position.

22 Q Do you remember how long that went on?

23 A I don't.

24 Q Okay.

25 So you became Chief of Staff. What were your daily responsibilities, and how did

1 they change?

2 A As Chief of Staff, I supervised a variety of people in the Office of the
3 Administrator and then I also supervised a variety of office heads. That was the most
4 significant change.

5 Q What do you mean when you say you supervised the office heads?

6 A They are my direct reports.

7 Q And that's all of the offices, like Capital Access, Disaster --

8 A Not all of them, but some of them.

9 Q Do you remember which ones?

10 A I'm not sure I could remember all of them. I could give some examples if
11 that would help.

12 Q Yeah. Examples would be good.

13 A Office of Capital Access, Office of Communications and Public Liaison, Office
14 of Entrepreneurial Development, Office of Investment and Innovation, our Acting Chief
15 Operating Officer, Congressional and Legislative Affairs, Government Contracting and
16 Business Development, General Counsel.

17 And there have been changes over time. I currently supervise the head of our
18 Office of Women's Business Ownership; not sure if I did at the moment I took over as
19 Chief of Staff.

20 Q Okay. How often do you meet with each of those heads?

21 A It varies depending on the size of the office. I'm not sure there's a
22 consistent number across all of them.

23 Q Okay. Who's the one you meet with most often?

24 A Over my term of Chief of Staff, I'd say probably the head of the Office of
25 Capital Access, but I'm not sure exactly.

1 Q Okay.

2 How often do you meet with the Administrator?

3 A Maybe an average of once a day to once every 2 days. It depends a great
4 deal on whether the Administrator is in the office or traveling.

5 Q Do you have set meetings with her, or is it just as they can occur?

6 A I have set meetings with her. We also will connect ad hoc.

7 Q You said in your role as Deputy Chief of Staff you did some policy advising in
8 that position. Do you still do that in the Chief of Staff position?

9 A I do. I have less time for that now.

10 Q You have to kind of rely on the agency heads -- the office heads. Sorry.
11 For her scheduling, I assume she has a scheduler in charge of that?

12 A She does.

13 Q Okay. And do you work with the scheduler?

14 A I do.

15 Q Do you have any control over her schedule or what meetings she takes?

16 A I wouldn't categorize it as "control." I have the opportunity to give input
17 into that.

18 Q Okay. When you say "input," do you just mean "I think you should take
19 this" or "not take this"?

20 A Either making a recommendation to her or a recommendation to other staff.

21 Q Okay. Do you join meetings with her often?

22 A As a general matter, do I join meetings with her often?

23 Q Uh-huh.

24 A Could you categorize "often" just so I'm sure I'm aligned with you?

25 Q More than once a week?

1 A Yes, I'd say I average more than once a week.

2 Q Okay. Do you let her do meetings on her own more often, or do you join
3 her on meetings more often?

4 Mr. Levy. When you say "do you let her," what do you mean by that?

5 BY MS. HOLMES:

6 Q Does she go to meetings by herself or do you go with her more often?

7 A I'm not sure I have a number for that. Hmm. I don't typically go with her
8 to external engagements.

9 Q Okay.

10 A If those are categorized as meetings, I'm not sure.

11 I am more likely to be present in an internal-facing meeting, but I'm not in all of
12 them, so I'm also not sure about that.

13 Q Okay. That's okay.

14 Do you travel with the Administrator?

15 A Rarely.

16 Q Rarely. What's "rarely"?

17 A I can recall traveling to the same event or conference at the same time as
18 her two times.

19 Q And that's over your tenure as Chief?

20 A That's inclusive of being Deputy Chief of Staff as well.

21 Q Okay.

22 You said "conference or event." Do you remember those conferences or events?

23 A One was the agency's field operations conference. That's where we bring
24 together the leadership of our district offices that are spread around the country, typically
25 annually. The other was the Reservation Economic Summit, which is a Native American

1 business conference.

2 Q Do you remember what years those were?

3 A I've been to those conferences twice, each during this administration. I
4 don't remember the years that I overlapped with the Administrator, I apologize.

5 Q That's okay.

6 A I believe it was once at each, but it may have -- I can only recall once at each.

7 Q Okay.

8 You said you don't attend external meetings with her, just internal ones. I heard
9 that right?

10 A Not typically.

11 Q Not typically. Do you remember any particular external-entity events or
12 meetings that you attended with her?

13 A On the trip when I was -- we both attended the Reservation Economic
14 Summit. I also attended a small-business roundtable and a visit to a restaurant with her.

15 Q When was that?

16 A Um --

17 Q About.

18 A I wish I knew, I'm sorry. I believe it was recently after becoming Chief of
19 Staff --

20 Q Okay.

21 A -- but I don't know the exact date.

22 Q In the last 2 years, would you say?

23 A Yeah, sometime since 2022.

24 Q Okay. Do you remember where it was?

25 A The roundtable and the restaurant visit?

1 Q Uh-huh.

2 A Yes. That was in Las Vegas, Nevada.

3 Q Okay.

4 Do you ever attend events and speak in your official capacity?

5 A I have done that in the past. I don't do it very often.

6 Q Do you remember what caused you to go to those particular events?

7 A I -- let's see. At the conference, I spoke on a panel about SBA
8 programs -- the Reservation Economic Summit conference.

9 The most recent version of this I've done that I can recall is helping to pass out
10 awards to the winners of the National Small Business Week Awards in Rhode Island.
11 And you may be familiar with that, but that's a week we hold once a year to recognize
12 small businesses around the country.

13 Q And did you speak at it this year?

14 A I spoke at that one this year, yes.

15 Q Okay. Do you remember what you spoke on?

16 A I don't remember exactly what I said. Hmm. I'm sorry, I don't remember.
17 Most likely it was something along the lines of "congratulations," but I don't remember
18 specifically.

19 Q That tracks.

20 All right. So there were a couple of names that came up as heads of offices. I
21 just want to run through them one by one and see if you remember working with them at
22 all.

23 The first one is Julie Verratti, the Associate Administrator of Office of Field
24 Operations. Did you ever work with her?

25 A Yes. I believe her last name is pronounced "Verratti" --

1 Q "Verratti."

2 A -- but, yes.

3 Q Thank you. That's helpful. Do you remember what sorts of things you
4 worked with her on?

5 A The Office of Field Operations helped in some way with the Restaurant
6 Revitalization Fund, which was one of the pandemic programs that I mentioned working
7 on. So I remember being in meetings with Julie about that.

8 That's what comes immediately to mind.

9 Q Okay.

10 What about Victor Parker, the Deputy Associate Administrator of Office of Field
11 Operations?

12 A I don't recall working with Victor on anything specific. He was at the field
13 operations conference this year. I'm sure we've been in other meetings together in the
14 past, but nothing comes to mind on a specific project level.

15 Q Okay.

16 What about Jennifer Kim, the Associate Administrator who's currently for the
17 Office of Field Operations?

18 A Essentially the same as Victor.

19 Let me reflect for a second.

20 I don't recall working on any specific project with Jennifer, but I do meet with her;
21 I'm in meetings with her.

22 Q How often do you meet with her, would you say?

23 A I believe we currently are scheduled to meet biweekly. That probably
24 doesn't actually happen biweekly, given my calendar and hers.

25 I am also on the invitation for her check-in with the Administrator. Similarly, I

1 am not always able to attend.

2 Q Okay. So you can't remember any specific projects. If you're talking
3 biweekly, is there anything that you're working on on a regular basis?

4 A She gives me updates about challenges and successes in the Office of Field
5 Operations, recommendations about things that we could do differently.

6 Jen was a big advocate for the agency popularizing more robustly our 70th
7 anniversary recently, for instance, which is something that's within her domain but also
8 an idea that would require utilizing the rest of the agency as well to partner.

9 Q Have you worked with her on voter registration stuff?

10 A No, I haven't worked with Jen on that topic that I can recall.

11 Q Okay. What about Executive Order 14019?

12 A Which executive order is that?

13 Q That's the voter registration one.

14 A No, I can't recall working with Jen on that topic.

15 Q Okay. What about the recent memorandum of understanding with
16 Michigan on voter registration?

17 A No, I don't recall working with Jen on that.

18 Q Okay.

19 The next person is Scott Harriford. He's the former SBA White House Liaison.

20 Did you guys ever overlap?

21 A We did.

22 Q Okay. Do you remember for how long?

23 A I am not sure of when Scott left the agency. I'm sorry.

24 Q That's okay. Do you remember what you worked on with him?

25 A He was our White House Liaison. I believe he overlapped with the start of

1 my tenure as Chief of Staff, and so I believe we worked on considering candidates for
2 appointee roles at that time. That's what I recall.

3 Q Do you ever work with the regional administrators?

4 A The regional administrators and I don't work together closely. I haven't
5 worked with them on any specific projects. We've been in meetings together.

6 Q Okay.

7 A That I can recall. Sorry. I haven't worked with them on any specific
8 projects I can recall.

9 Q Sounds good.

10 Are there any particular circumstances under which you would meet with them, or
11 is it just general check-ins?

12 A Nothing standard. I think, as they are distributed, it's nice for them to get
13 to hear from the Chief of Staff from time to time. But there's no, kind of, in this
14 circumstance, one will automatically engage with the regional administrators. They're
15 at a layer below me in the org chart.

16 Q For Region V, do you remember the last time you met with the regional
17 administrator?

18 A I apologize. Could you refresh my memory as to which region is Region V?

19 Q It's Illinois, Indiana, Michigan, Ohio, Wisconsin, Minnesota.

20 A Okay.

21 Q It's Geri Sanchez Aglipay.

22 A I don't know Geri Sanchez.

23 Q Last name A-g-l-i-p-a-y.

24 A Yes, "Aglipay."

25 Q "Aglipay."

1 A And, sorry, what was the question?

2 Q When was the last time you met with him?

3 A It's -- Geri is a her.

4 Q Her.

5 A I'm sorry, I don't recall.

6 Q Have you met with her, though, as far as you can recall?

7 A Yes, I'm sure that I've been in meetings with Geri in the past.

8 Q But never specifically just with her, as far as you can recall?

9 A No, I don't recall doing any one-on-ones with Geri, and that would be
10 unusual. But I don't recall doing it.

11 Q Okay.

12 The next person is Kendall Corley, the Deputy Chief of Staff of External
13 Engagement. Have you met with them?

14 A Yes.

15 Q Okay. What sort of projects do you work on?

16 A Kendall and I don't work together on specific projects. Kendall will give me
17 updates on things that he's working on. He works on public engagement and
18 intergovernmental affairs.

19 Q When was the last time you met with him?

20 A We're scheduled to have a weekly one-on-one. It does not happen every
21 week. Most likely, sometime in the past few weeks.

22 Q Okay.

23 And the last person I want to ask about is Jessica Reeves, the SBA Director of
24 Public Engagement, Office of the Administrator. How often do you meet with them?

25 A I don't have a regular cadence for meeting with Jessica. The Office of

1 Public Engagement has a regular cadence for briefing the Administrator. I'm invited to
2 that; I don't always attend. Jessica attends that. She may also be in other group
3 meetings that I'm also in.

4 Q You said there's a regular cadence. How often?

5 A I don't know exactly. I'm sorry.

6 Q Okay.

7 Does Tyler Robinson still report to you?

8 A Formally, in some sense. Tyler is currently on a detail inside the agency.

9 When you're on a detail inside the agency, my understanding is you have both a
10 home office and a receiving office. So you report, day to day, to your receiving office
11 but technically also still report to your home office, which would be my office.

12 Q So how often does he still report to you?

13 A By "report," do you mean meet?

14 Q Yes.

15 A We don't currently meet, as he's on a detail to another office.

16 Q Okay. How long did he report to you?

17 A I don't know exactly. I believe he reported to me when he first started,
18 before his boss started, and then briefly after his boss's position was vacated.

19 Mr. Levy. And just to clarify the record, when you asked about reporting to, you
20 defined it one way the last question, and I want to make sure you're having the same
21 meaning for this question, "meeting with" as opposed to "reporting to." There was a
22 confusion.

23 Ms. Holmes. Yeah. He clarified it when he asked me back.

24 BY MS. HOLMES:

25 Q So I think, yes, "reported to" and then "meeting" were the two delineations.

1 A Yeah. The question I was just answering, though --

2 Q Yes, uh-huh?

3 A -- the question of how long has he reported to me, was with respect to the
4 org chart, not with respect to meeting together.

5 Q Yeah.

6 How many other special advisors report to you?

7 A I don't believe anyone else who reports to me has that title that I can think
8 of at this time.

9 Q Okay. What does a special advisor do?

10 A Tyler's primary duty was assembling the Administrator's briefing book.

11 Q Okay.

12 A He also assisted with other office tasks.

13 Q Such as?

14 A He assisted with scheduling tasks at some point in the past. I don't believe
15 so much recently.

16 Q Okay. When he was not on detail, how frequently did you work with him
17 on things?

18 A When he reported to me, when his boss's position was vacated, we had a
19 standing weekly one-on-one. Same as other meetings, I don't know that it actually
20 happened every week. We were likely in a couple of other group meetings together as
21 well. I'm just not sure which.

22 Q Okay. Did Mr. Robinson have a direct line of communication to the
23 Administrator?

24 A Can you clarify what you mean by that?

25 Q Did he ever directly communicate with the Administrator?

1 A And "directly communicate" meaning did he ever talk to the Administrator?

2 Q Talk to her, email, Teams, text.

3 A I would imagine so, but --

4 Mr. Levy. Based on your knowledge.

5 I mean, you'd have to ask Tyler that question.

6 But go ahead.

7 Mr. Plews. Yeah. I can't recall at this time being copied on those

8 communications, so I -- specifically, I don't know.

9 BY MS. HOLMES:

10 Q Okay.

11 As the Chief of Staff, do you have any ability to filter who comes and talks to the
12 Administrator?

13 A I suppose I could attempt to do so. Whether I would succeed is an open
14 question.

15 Q So, if he wanted to have direct access to the Administrator by going into her
16 office and having a conversation with her, would he be able to do that?

17 A Um --

18 Q Theoretically.

19 A I suppose, theoretically, anyone inside the building could do that.

20 Q Okay.

21 We're going to actually go back to Ms. Reeves for a minute. Is she still in the
22 role?

23 A Which role?

24 Mr. Levy. Which one?

25 BY MS. HOLMES:

1 Q The Director of Public Engagement in the office of the SBA.

2 A Yes.

3 Q Okay. And as one of those directors, she is someone you oversee?

4 A No. She reports to someone else.

5 Q Do you know who she reports to?

6 A Kendall Corley.

7 Q Okay. And then Kendall reports to you?

8 A Correct.

9 Q Okay.

10 Is the Public Engagement Office the office that handles the third-party groups or
11 external entities?

12 A So there isn't a public engagement office. We have a couple of individuals
13 who work on that. They are not the only ones in the agency who handle engagement
14 with third-party groups; many people could do that. But that is something that the
15 public engagement team does do.

16 Q To the best of your knowledge, what other people or offices handle external
17 engagement?

18 A Oh, anyone could do external engagement.

19 Q Okay.

20 A But -- well, yeah.

21 [Noise in the hallway.]

22 Ms. Holmes. We have former Governor Cuomo down the hall. That's the press
23 yelling about that.

24 BY MS. HOLMES:

25 Q All right. So let's go into just some high-level questions regarding the

1 planning and marketing of small-business outreach events. When I say "small-business
2 outreach events," that's SBA events or SBA in conjunction with their resource partners.

3 A Okay.

4 Q Mr. Robinson told us that, for each event, there is an initial meeting where
5 the event is discussed and then the team recommends a course of action. The
6 Administrator ultimately decides which events she will attend.

7 Is that your understanding of how decisions are made about events?

8 Mr. Levy. Sorry, can you repeat that question?

9 Ms. Holmes. Uh-huh.

10 Mr. Levy. There was a lot there.

11 Ms. Holmes. Yep.

12 BY MS. HOLMES:

13 Q Mr. Robinson told us, for each event, there is an initial meeting where an
14 event is discussed and then the team recommends a course of action. The
15 Administrator ultimately decides which events she will attend.

16 Do you agree with that characterization of how events are?

17 Mr. Levy. Was that in response to a question, that testimony?

18 Ms. Holmes. Yeah.

19 Mr. Levy. Can you read the question, just for completeness?

20 Ms. Holmes. I don't have it in front of me, so I cannot.

21 BY MS. HOLMES:

22 Q If you don't want to answer, that's fine. You can decline to answer.

23 That's -- we can move on.

24 Mr. Levy. Can you -- when he -- that first sentence you read back, he was talking
25 about, I think I recall you saying an event? Or events?

1 Ms. Holmes. Yes, for event planning for small-business outreach events. And,
2 as I defined, that was either put on by the SBA or in conjunction with the SBA's resource
3 partners.

4 Mr. Levy. Okay. And which part of that do you want to ask Mr. Plews about?

5 Ms. Holmes. The part I just read back to you, that Mr. Robinson told us, for each
6 event -- which was already defined -- there is an initial meeting where the event -- again,
7 defined -- is discussed and the team recommends a course of action, and the
8 Administrator decides which events she will attend.

9 BY MS. HOLMES:

10 Q So I guess it's two parts: Do you agree that, when there is an event being
11 planned, there is an initial meeting and the event is discussed, and then the team of
12 people at the SBA recommends a course of action?

13 A No, that would not apply to all events.

14 Q Okay. Which ones do you think that it does not apply to?

15 A Well -- and, sorry, I'm not trying to be contentious --

16 Q No, you're good.

17 A -- but the wording of the question was "events" generally. There are many
18 events, under the definition you gave, that don't involve the Administrator at all.

19 Q Okay. So, for Administrator-involved events, is there a team that meets
20 initially to discuss and recommend whether the Administrator participates in an event?

21 A There is a weekly scheduling meeting, where event invitations for the
22 Administrator are considered. I don't believe that meeting considers every single event
23 the Administrator attends, but it does have that function.

24 Q Okay.

25 And he said that the Administrator ultimately decides which events she will

1 attend. Does that ring true?

2 A The Administrator is the executive of a very large organization. Much of
3 that time, she's going to be responding to a strong recommendation from a team
4 member. I would characterize it a little bit more as her having a veto power. She's not
5 going to go somewhere without knowing she's going there.

6 Q Sure.

7 A But that's a difference of degree.

8 Q So do you help with those recommendations?

9 A Sometimes.

10 Q Are there times that you don't?

11 A I cannot always make that meeting.

12 Q Okay. You said it's weekly?

13 A Yes. And, like every other meeting, sometimes doesn't happen.

14 Q If you don't attend the weekly scheduling meeting, are there other meetings
15 held before the events occur that you attend?

16 Mr. Levy. Can you rephrase that? Sorry. Or just repeat the question?

17 Ms. Holmes. Sure.

18 BY MS. HOLMES:

19 Q Is there more than one meeting about an event before it occurs, as far as
20 you know?

21 A We're sticking with events involving the Administrator --

22 Q Yes.

23 A -- or generally?

24 Q Yes, events involving the Administrator.

25 A It would -- in my understanding, it would depend on the event, how many

1 other meetings there were. I can imagine that not being necessary in some cases and
2 being necessary in others.

3 Q How many people are on the scheduling meeting, as far as you can
4 remember?

5 A I don't know exactly.

6 Q Okay.

7 Do you ever attend meetings about logistics for events with the Administrator?

8 A Could you define "logistics"?

9 Q Travel, timing, hotels, security.

10 A Yes. And those topics will come up to some extent in the scheduling
11 meeting.

12 Q Okay.

13 So we've been talking about events with the Administrator. Do you ever work on
14 events for the Deputy Administrator?

15 A No, I don't play the same role in the Deputy Administrator's event planning
16 process.

17 Q What role do you play with the Deputy Administrator?

18 Mr. Levy. As a general matter?

19 Ms. Holmes. Uh-huh.

20 Mr. Plews. Oh. We meet once a week -- and I apologize to keep adding this
21 qualifier -- but it doesn't always happen.

22 BY MS. HOLMES:

23 Q Yep.

24 A I don't report to the Deputy Administrator in the same way that I report to
25 the Administrator, so it is less of a role, but we discuss topics that we're both working on.

1 Q Do you discuss events with him, like, things he's going to go do in that week?

2 A We may have in the past. It's not a common topic for that check-in.

3 Q Okay.

4 Is there a different member of the Administrator's staff that helps coordinate the
5 events -- coordinate logistics, timing, travel --

6 Mr. Levy. For which events?

7 Ms. Holmes. Administrator-attended events.

8 Mr. Plews. Oh, there are many that work on that.

9 BY MS. HOLMES:

10 Q Is there a person that you work with specifically on any of that?

11 A There's many.

12 Q Can you name them?

13 A Well, we have a security detail.

14 Q Uh-huh.

15 A We have budgetary staff and travel staff, advance staff, a scheduler. They
16 would be the primary group who work on logistical details, like booking flights.

17 Q Okay.

18 I'm going to ask a couple of questions about training of SBA employees.

19 Did you receive training as an SBA employee -- yearly, annual training?

20 A Training of any kind?

21 Q Yeah.

22 A Yes.

23 Q To the best of your recollection, what kinds of training?

24 A Ooph. We have many.

25 Q Okay.

- 1 A An example would be cybersecurity training.
- 2 Q Uh-huh. Ethics?
- 3 A Yes, ethics training.
- 4 Q Okay. Hatch Act training?
- 5 A Hatch Act training, yes.
- 6 Q When was the last time you received Hatch Act training?
- 7 A It was recently. Last few months.
- 8 Q Did that training include the topic of mixed travel, as far as you can
- 9 remember?
- 10 A I'm sorry, I don't recall.
- 11 Q Okay. As far as you can recall, does the Administrator ever engage in
- 12 mixed travel?
- 13 A I am aware she has engaged in mixed travel one time that I know of.
- 14 Q One time? What time was that?
- 15 A I'm not sure of the exact date, but I believe it was sometime in the last
- 16 several months.
- 17 Q Do you remember where she went?
- 18 A She went to Michigan.
- 19 Q And what was the official purpose, and what was the political?
- 20 A I'm afraid I don't recall either of those.
- 21 Q Either of them? Okay. How do you remember that it was a mixed trip?
- 22 A I must've been advised of it at some point.
- 23 Q Okay. Did you attend that trip?
- 24 A No.
- 25 Q Do you remember who from the SBA did?

1 A I don't know.

2 Q If you don't attend an event, who staffs the Administrator?

3 A It varies. If it's -- well, generally speaking, there's two components that
4 would usually be with her. One would be her body staffer, and another would be the
5 security detail in some capacity. Depending on the nature of the activity, there could be
6 other people too.

7 Q Do you ever have to oversee the costs and/or reimbursements from these
8 trips?

9 A Could you define "oversee"?

10 Q We can make it two-part. Do you ever see the costs come through?

11 A No. The costs are handled by other staff in the agency.

12 Q Who handles them?

13 A We have a Director of Operations in our office who handles our budget, and
14 there's multiple people report to her. And then there's a Chief Financial Officer office.
15 As a unit, they handle --

16 Q Okay. Who's the Director of Ops?

17 A Nicole Nelson.

18 Q Nicole --

19 A Nelson.

20 Q -- Nelson? Okay.

21 A Uh-huh.

22 Q For the mixed trip that you talked about to Michigan in the last few months,
23 do you recall seeing the expense sheets come through or the costs come through?

24 A I may have. I'm sorry, I can't recall if I did or didn't.

25 Q That's okay. As a normal course of a business for a trip, would Nicole send

1 you a readout or an invoice or anything like that?

2 A No, not as a normal course of business.

3 Q Okay. So, for the events that you do see anything related to costs, what
4 are the circumstances that lead to you seeing that?

5 A Well, sometimes an individual team member will seek my approval before
6 engaging in a trip to confirm that I think it's a good idea. Sometimes they'll include a
7 cost estimate for them.

8 Similarly, when the team is booking a trip for the Administrator, they will
9 sometimes make me aware of the cost estimate.

10 Q Does that play a factor in whether or not the Administrator can attend an
11 event?

12 A Sometimes it could, yeah.

13 Q Okay.

14 I think you might've answered this, but how often do you meet with the
15 White House Liaison?

16 A Oh. We meet -- I think our scheduled check-in is twice a week. So that's
17 our cadence.

18 Q Okay. Would you say that those generally occur?

19 A I would say we usually are able to meet at least once a week in practice.

20 Q Who's the current White House Liaison?

21 A Destine Hicks-Lundy.

22 Q Do you remember when they came on?

23 A I believe she started slightly after I became Chief of Staff, but I'm not sure of
24 that.

25 Q Do you discuss specific projects with her?

1 A The bulk of my conversations with Destine are about appointees and
2 appointee hiring. I'm not aware of Destine working on anything I'd categorize as a
3 project outside of that, other than employee engagement.

4 Q If you were to have a meeting or something with the White House, would
5 that come through her?

6 A Not necessarily.

7 Q How would it come?

8 A It could come through any number of different channels.

9 Q Email to you?

10 A That'd be one way.

11 Q Okay.

12 All right. We're going to turn to the April 17, 2024, video released by James
13 O'Keefe, containing Tyler Robinson.

14 Before getting into the questions, I want to set a baseline for this conversation.
15 In March 2024, the SBA issued a press release announcing the MOU in the State of
16 Michigan to register voters. Less than 1 month later, this video was released by James
17 O'Keefe, showing Tyler Robinson discussing how SBA uses its time and resources to
18 support Democrat politicians and their elections.

19 One of the goals is to examine the veracity of the claims in the video today. I'm
20 not saying they are true or false; we are just going to go through and discuss some of the
21 allegations that were made.

22 Are you aware of the video?

23 Mr. Levy. Before he answers that question, I think as a matter of fairness to the
24 witness and the rule of completeness he be shown the video to which you're referring,
25 the complete video.

1 Ms. Holmes. We don't have the complete video. We only have the edited
2 version that was released publicly.

3 Mr. Levy. Then we would object to any questions about a piece of information,
4 attempted evidence, that's not complete.

5 Ms. Holmes. Your objection is noted. It's not a recognized objection, so we're
6 going to go ahead and move forward with the questions. You are allowed to instruct
7 the witness not to answer the question. I'm still going to ask them.

8 Mr. Levy. I don't know how he can answer a question about a video that you're
9 not showing him.

10 Ms. Holmes. We can play the edited version that has been released publicly, and
11 that's the only information that we have about it. Would that satisfy your concern?

12 Mr. Levy. For the question, are you -- for the one question, are you familiar with
13 the video you're going to show him, if he's familiar with it, he can answer that question.

14 If there are other questions about the video, it's just not fair to any witness to ask
15 a witness about a part of a document or a part of a video or a part of an audio recording
16 and not show him the entire thing. And that would be true in any proceeding --

17 Ms. Holmes. That's fine --

18 Mr. Levy. -- including here.

19 Ms. Holmes. -- but we don't follow the Rules of Evidence, for one. And, two,
20 again, we don't have access to the unedited video, and I'm not going to ask about
21 anything outside of the edited video, which we have possession of.

22 So, again, if your client would like to see the video -- it's 18 minutes long -- we can
23 sit here and go through that. I'm still going to ask questions about it regardless. And
24 you can instruct your client not to answer. But I will remind him that he is here
25 voluntarily, and we appreciate that, but we can go back up to a deposition, and the

1 chairman can instruct you to answer any question that he feels is necessary to further the
2 investigation.

3 Mr. Levy. Do you know if this video has been manipulated or edited in any way?

4 Ms. Holmes. It appears that the video has been cut and edited.

5 Mr. Levy. Do you know that it's authentic?

6 Ms. Holmes. We know as much as you do about the video.

7 Mr. Levy. You said that James O'Keefe is the person who released this video?

8 Ms. Holmes. Correct. We're not saying anything about him or his claims as a
9 journalist or his veracity as a journalist. We are just asking about the claims that were
10 made by the direct report, Tyler Robinson, in the video.

11 Mr. Levy. You know he pleaded guilty to entering a Federal building --

12 Ms. Holmes. I don't care about James O'Keefe.

13 Mr. Levy. -- without authorization?

14 Ms. Holmes. Yeah, I'm sure that he did. I have not looked up his criminal
15 history. That's not the point.

16 The point is that we are going to ask questions about this video, and you may
17 instruct your client to answer or not, but you have not stated a valid objection.

18 Mr. Levy. The --

19 Ms. Holmes. If you would like to discuss further off the record, we can do that,
20 or you can state a valid objection.

21 Mr. Levy. I just want to continue on the record for a little bit. And you can
22 reclaim any time you want. Just out of fairness to the witness and just so the record is
23 very clear, that this video was released by someone who's pled guilty to a Federal crime,
24 who's also currently under investigation, according to news reports, by the Westchester
25 County DA. I just want to make sure that's clear.

1 Ms. Holmes. Okay.

2 Mr. Levy. And that's part of why I think asking questions about this video in
3 particular is very unfair to the witness.

4 Ms. Holmes. I'm sorry that you feel that is unfair. Again, you may instruct your
5 client not to answer. I'm still going to ask the questions under the direction of the
6 chairman, so it's up to you.

7 Mr. Levy. So you're going to play the video?

8 Ms. Holmes. Would you like me to play the video?

9 Mr. Levy. Yeah, I would.

10 Ms. Holmes. Okay. We will do that.

11 Can we go off the record for a second?

12 [Recess.]

1 [11:10 a.m.]

2 Ms. Holmes. We can go back on the record. I'm going to note at the top that
3 we agreed with private counsel not to ask specifically about the video, and we are not
4 going to play it.

5 BY MS. HOLMES:

6 Q So going into a couple of questions, I have a couple of names here I want to
7 run through with you like we did -- similar to what we did earlier and ask about your
8 interactions with them.

9 The first one is Ron Klain. Do you know who that is?

10 A I do.

11 Q Have you ever worked directly with him?

12 A No, not that I can recall.

13 Q No meetings, no emails?

14 A I was on a video call once where he thanked, I believe, all the appointees in
15 the administration for their service and wished us a happy holidays. That's all I recall.

16 Q Very nice. What about Steve Ricchetti?

17 A I've been in one meeting that I can recall that Steve Ricchetti was also in.

18 Q Anita Dunn?

19 A I've been on one video call that I can recall that Anita Dunn was also in.

20 Q Was that the same one as with Steve Ricchetti?

21 A No. They're different.

22 Q And Gene Sperling?

23 A I've had interactions with Gene Sperling.

24 Q To the best of your recollection, what were those interactions around?

25 A American Rescue Plan programs. Gene was, at the time, the American

1 Rescue Plan coordinator.

2 Q Did you meet with him frequently?

3 A Primarily, almost exclusively, over telephone or video conference. But yes,
4 we met frequently.

5 Q Frequently as in couple times a week?

6 Mr. Levy. Just -- is this within the scope of -- I mean, is there anything about
7 travel or voter registration, that sort --

8 Ms. Holmes. Yeah. So the video was actually in the scope of what you agreed
9 to discuss as well, and these individuals were named in the video.

10 Mr. Levy. All right. We'll see how this goes.

11 BY MS. HOLMES:

12 Q Okay. So phone, Skype?

13 A Yeah. Could you repeat the question. Sorry.

14 Q Yeah. What were your interactions with Gene Sperling around? You said
15 ARPA. It was frequent. What was frequent?

16 A I'm not sure I could quantify it, and it would have varied.

17 When the American Rescue Plan programs at the SBA were sort of at their peak
18 implementation need, it could have been once a week, once every couple of weeks. But
19 I'm not sure I could give you an accurate average.

20 Q Okay.

21 A It varied.

22 Q What about Jeff Zients?

23 A I've been in a couple of group meetings with Jeff Zients that I can recall.

24 Q Do you remember the topics?

25 A One was a meeting with chiefs of staff, cabinet members, and deputy

1 secretaries that covered the government's in-office presence. The other -- one other
2 was a weekly cabinet call. I don't remember the topic Jeff Zients talked about.

3 And then he appeared at a leadership workshop that I was attending to give, sort
4 of, remarks, Thank you for coming, Here's a little bit about my career, that kind of thing.
5 And at a happy hour once.

6 Q Okay. To the best of your knowledge, does anyone at -- else at SBA work
7 with those individuals?

8 A Could you repeat the individuals?

9 Q Yes. We'll start with Jeff Zients.

10 A Currently -- well, I guess, could you clarify what "work with" means?

11 Q Discussed things with related to official matters.

12 Mr. Levy. If you know.

13 Mr. Plews. Not aware of anyone engaging directly with Jeff Zients.

14 BY MS. HOLMES:

15 Q And Gene Sperling?

16 A At this time, I'm not aware of anyone engaging directly with Gene either.

17 Q Okay. Anita Dunn?

18 A I'm not aware of anyone engaging directly with Anita.

19 Q Steve Ricchetti?

20 A Same on Steve Ricchetti.

21 Q And Ron Klain?

22 A I'd be more confident that no one is engaging with Ron Klain. He's no
23 longer in the administration.

24 Q You never know. I got to ask.

25 A Still not sure.

1 Q We're going to talk a little bit about travel at the SBA. We talked a little bit
2 in the last hour about how these events are planned for, and who is at these meetings.

3 Mr. Robinson in his transcribed interview told us that there is a specialized email
4 account by which they get, or receive event requests. Is that true?

5 Mr. Levy. Is it true that Mr. Robinson said that?

6 Ms. Holmes. No.

7 BY MS. HOLMES:

8 Q Is it true that there's a specialized email account that exists for event
9 requests?

10 A There has been in the past. I am, embarrassingly, unsure if it is still heavily
11 utilized or utilized at all. But there have been in the past.

12 Q Okay. How do events come through now -- event requests?

13 A So they could be coming into that email address. They could be coming
14 directly to the scheduling team. They could come to other members of agency staff.

15 Q And the scheduling team was, like, director of operations --

16 A No. Right now would primarily be our -- the person I would colloquially
17 refer to as our scheduler. I believe her official title is deputy director of scheduling in
18 advance. But it could also be to other members of the front office staff, or to other
19 members of agency staff.

20 But -- sorry. I think your question was what is the scheduling team? She is
21 the -- again, colloquially, the scheduler.

22 Q Okay. What's her name?

23 A Bridget Gleason.

24 Q Do you ever get event requests?

25 Mr. Levy. For what kind of events?

1 Ms. Holmes. The Administrator.

2 Mr. Plews. Very occasionally people do email me invitations for the
3 Administrator.

4 BY MS. HOLMES:

5 Q Can you give an example of someone who emailed you?

6 A I'm sorry. I can't recall one at this time. I'm confident it has happened in
7 the past.

8 Q Okay. Do you ever get event requests from the White House?

9 A For the Administrator?

10 Q For the Administrator.

11 A Yes.

12 Q Do you remember --

13 Mr. Fishman. When you say "you," do you mean him personally or the agency?
14 I'm sorry.

15 Ms. Holmes. Yeah. Him personally. Yeah, his agency email -- official email,
16 your inbox, and/or phone call to your official --

17 Mr. Plews. I have personally received an invitation for the Administrator from
18 the White House to an event.

19 Mr. Fishman. Thank you.

20 BY MS. HOLMES:

21 Q Okay. How many times?

22 A I don't know that I could give an accurate number. I'm sorry. Yeah. I
23 don't know.

24 Q Is it something that happens maybe monthly, weekly, yearly?

25 A The best ballpark I could give would be once every 1 to 2 months.

1 Q Can you remember any events that came through that way?

2 A Yeah. Most recent one I remember was the Second Gentleman's Office
3 wanted to do a small business event in New York during National Small Business Week.

4 Q Okay.

5 A And it was shared with me that they wanted to explore if the Administrator
6 could join.

7 Q Have there been any requests from the White House to you for the
8 Administrator for events in Michigan?

9 A I don't recall any. Doesn't mean it hasn't happened, but I don't recall.

10 Q Did you or anyone else at the SBA, to the best of your knowledge, receive
11 event invitations from the White House for the Administrator to events in Michigan?

12 Mr. Levy. Are you asking him about anyone else?

13 Ms. Holmes. To the best of his knowledge.

14 Mr. Plews. I'm sorry. I was confused by the question. Could you repeat that
15 again?

16 BY MS. HOLMES:

17 Q Okay. Yeah. To the best of your knowledge, has anyone else at the SBA
18 received an invitation from the White House for the Administrator for an event?

19 A In Michigan or just generally?

20 Q In Michigan.

21 A So -- I apologize. Your question, as I understand it, is has someone other
22 than me received an event for the Administrator to go to Michigan and has that
23 event -- invitation been extended from the White House?

24 No, not that I'm aware of or that I can recall. But, again, maybe.

25 Q If you receive an invitation for the White House, do you treat it the same as

1 any other invitation that comes into your inbox?

2 A Sometimes.

3 Q Can you clarify what you mean by that?

4 A Yeah. It would depend on how shaped the invitation is; by which I mean,
5 how many details already exist about the event.

6 Q Okay. So if an event came through from a third party, said, You know, we
7 have this event going on, everything is already planned, we'd love for the Administrator
8 to come, that would be treated the same as if the White House said, Hey, we have this
9 event, we would love the Administrator to come, everything is already planned? They
10 would be the same level?

11 A If they -- if they both had a decent amount of information available about
12 them, they would likely both be discussed in that weekly scheduling meeting.

13 Q Okay. And in determining whether or not the Administrator is going to go
14 to that event, what factors do you guys weigh or consider?

15 A Which event or what type of event are you talking about?

16 Q Any event that comes in.

17 Mr. Levy. From the White House or anyone?

18 Ms. Holmes. From any event that comes in for the scheduling meeting.

19 Mr. Plews. Logistics are a key component; where is it, can we get there, do we
20 have a conflict, do we have a pending or notional conflict, meaning something that is also
21 being considered for that day. Even if there's not a scheduling conflict, travel, you
22 know, the distance, the time it takes to get people can create that, is in line with topics
23 that we at the agency are looking to lift up and draw attention to.

24 I'm trying to think if there's another category. Those are the two big buckets
25 that I would say. So the logistics and then, you know, does it -- does it align with

1 other -- does it align with topics we're looking to draw attention to.

2 BY MS. HOLMES:

3 Q Is there a specific list of topics that you're generally looking to draw
4 attention to under this administration?

5 A We have, in the past, created thematic lists like that. I wouldn't say we're
6 currently operating under one, and I don't know if we ever have been rigorously following
7 one. But in the past, I am aware of us having kind of, Here's our desired message for
8 this month type plans.

9 Q Okay. Did that change by month?

10 A Yeah. The one -- the context in which I'm referring to would be a different
11 message each month.

12 Q Do you remember any of the ones that you've had under this
13 administration?

14 A You mean, which -- like, monthly messages?

15 Q Yes.

16 A I'm sorry. I don't remember specifically.

17 Q Okay.

18 A You know, this is a logical one and almost certainly was, but I can't guarantee
19 it. National Small Business Week is a huge agency messaging opportunity, and so that
20 would be a likely example. But I'd -- I can't recall if that was in the -- you know, the list.

21 Q Tyler Robinson told us that there were -- because there are months that
22 celebrate different demographics and different people in America, they would usually
23 follow that sort of schedule. So Black History Month would be focused on -- can you
24 verbally --

25 A Sorry. Did you have a question?

1 Mr. Levy. Yeah.

2 BY MS. HOLMES:

3 Q You were nodding along when I was saying that. Does that mean you agree
4 that these themes tended to follow the national months for different groups of people?

5 A Those are the kinds of themes that may have been in that list. I can't speak
6 to which ones specifically were in that one. I can't remember.

7 I also might slightly disagree with, it sounds like, how Tyler understood it. At
8 least, in my view, the months are not rigorously adhered to. By which I mean, we might
9 do many events in a given month that have nothing to do with that theme. Sorry.

10 Q Okay. How do you determine whether or not an event is something that
11 the Administrator should consider going to versus the deputy or other SBA officials?

12 A Well, the two categories I talked about before would be relevant to that. If
13 she can't, because she has a firm commitment to something else, that makes it easy, if
14 that can't be moved.

15 The Administrator is typically going to be the most prominent messenger the
16 agency has available, and so, if it were something that we're looking, again, to promote in
17 some way, it makes sense to have the Administrator do it as opposed to another official.

18 And there's a third category I'd highlight, which would be some other official may
19 have a particular expertise in the topic in question that may align well with the event.
20 For instance, if it's a lending conference and it's going to get extremely technical, maybe
21 you want to send your foremost lending expert or just the head of your office of capital
22 access.

23 Q You said that the first bucket was logistics, the second was more SBA
24 priorities. Is that a fair characterization?

25 A I would reframe it a little. And I would say things the agency is looking to

1 lift up publicly. We have a lot of priorities that don't require much public messaging.

2 Q Sure. For those that do require public messaging that you do want to lift
3 up, you said that in the past, you've had lists but you're not operating under one now. Is
4 that true?

5 A That's my understanding. I don't know that there isn't some component of
6 the agency that's still working from some thematic guidance that they've created for their
7 own office or just as a handy reference guide. But my understanding is, no, that's not
8 one single list.

9 Q So you don't have a list. Do you have a general idea of the types of
10 messaging that the Administrator would want to promote?

11 A I can give example.

12 Q Sure.

13 A If we're launching a new product, by which I mean a new service the agency
14 is going to provide to small businesses, we're going to want to highlight that. So
15 recently, the Administrator did an interview with CNBC about a working capital product
16 that we framed as a pilot that the agency is going to start delivering in the future.

17 When national disasters are happening, that is sometimes a thing the agency will
18 want to draw attention to so that small business owners and homeowners affected by
19 those disasters are aware of our offerings.

20 I'm sorry to keep coming back to Small Business Week, but there are -- there's
21 National Small Business Week and National Veterans Small Business Week as well.
22 There are marked moments in the calendar that happen at the same time every year
23 or -- I apologize. I don't actually know if those weeks happen at the same time every
24 year. They happen each year, I believe. And those provide -- general purpose, good
25 opportunities to make people aware of our services and help them know that we're here

1 to help.

2 Q This is the Small Business Committee. So we, too, talk about National Small
3 Business Week in excess.

4 If a -- scratch that.

5 Does the White House ever discuss priorities that the SBA should have or
6 messages that the SBA should be pushing?

7 Mr. Levy. Discuss it with --

8 BY MS. HOLMES:

9 Q With you or anyone at the SBA, to the best of your knowledge.

10 A I don't recall them discussing messaging priorities with me. You know, we
11 have the communications team. I -- I don't know the nature of their discussions with
12 them.

13 Q Okay. We've looked through a lot of the press releases that the SBA has
14 put out on a lot of the events that have happened under this administration. One of the
15 things that comes up a lot is events surrounding American Rescue Plan Act, or the
16 Infrastructure Investment and Jobs Act.

17 Were those things that you guys discussed to lift the message, if you will, at
18 events?

19 A If I understand the question, you're asking if -- I'm sorry. Could you maybe
20 repeat that question? I'm not sure I followed.

21 Q Yeah. So those two pieces of legislation, the Infrastructure Investment and
22 Jobs Act and the American Rescue Plan act, you said that sometimes you craft messages
23 that you want to lift and/or elevate through the SBA.

24 Were those pieces of legislation ever part of the consideration of things that you
25 wanted, or the Administrator wanted to lift out of the SBA?

1 A I apologize. I'm not sure that I said we craft messages. I don't remember
2 using that phrasing. I do recall saying that a reason we would consider whether or not
3 to do an event would be a messaging opportunity.

4 And as a general matter, I believe it's accurate to say that we would want to
5 promote programs the agency delivered through the ARP, promote opportunities
6 available to small businesses through the IJJA. I -- I can't recall a specific example of an
7 event in which we did so, but that logically makes a lot of sense.

8 Q So for events that the SBA holds themselves that you guys decide you want
9 to do, is the process similar?

10 Do you have a meeting where everyone says, We think these three events would
11 be good things for us to hold, and then you have a discussion? Or how do SBA events
12 come to be for the Administrator?

13 A Sorry. What is the contrast you're drawing when you say, "is the process
14 similar?" Is it similar to what?

15 Q When you said events come from --

16 Mr. Levy. Which question do you want him to answer? You asked a couple
17 questions there.

18 Ms. Holmes. I'll rephrase.

19 Mr. Levy. Thanks.

20 BY MS. HOLMES:

21 Q We have been talking about events that you were invited to, or the SBA was
22 invited to. So for events that the SBA decides to hold, is the process similar?

23 Mr. Levy. Similar to what?

24 Ms. Holmes. To events for the last hour and 20 minutes we've been talking
25 about, events that she's been invited to. Now I want to talk about events that the SBA

1 has held.

2 Mr. Plews. I apologize. I should clarify. The last question you asked
3 about -- about those two statutes appearing in our events, I didn't understand you to be
4 asking about White House invitations. I understood you to be asking about SBA
5 generally.

6 BY MS. HOLMES:

7 Q Okay.

8 A Would you like me to redo my answer under the guidelines --

9 Q Let's do this first, and then we can --

10 A -- in which you understood it? Okay.

11 Q I'll reask.

12 A Okay. And so this -- so the current question is, do we follow a similar
13 procedure for considering a White House invitation versus an agency event idea that
14 we've come up with on our own?

15 Q Yes.

16 A And it's involving the Administrator specifically. Okay.

17 I would say yes, with the caveat that some White House events do not have the
18 necessary level of detail to go through that weekly scheduling process on the -- the
19 normal cadence is sometimes we have to make a faster decision.

20 Q Okay. What's the normal cadence? How long?

21 A Well, that meeting happens, ideally, once a week.

22 Q So events could come in between a week from the White House?

23 A Yes, or -- or more likely, they could come in without a lot of detail about
24 them. And so, the conversations might have to happen more ad hoc as opposed to on
25 that regular weekly cycle.

1 Q Okay. For events that the SBA decides to hold, did the SBA prioritize the
2 legislative accomplishments like ARPA or the Infrastructure Investment and Jobs Act to lift
3 that messaging up?

4 A When you say "prioritize," do you mean -- could you help me understand
5 what you mean?

6 Q You said that the SBA -- bless you -- the SBA has chosen to lift up and/or
7 amplify certain messages. So I've been using the word "prioritize." Is that fair?

8 A I -- it could be.

9 Q In this instance, that's how I'm defining prioritize --

10 A Sure.

11 Q -- lift up or amplify --

12 A Okay.

13 Q -- the messaging.

14 A And so, the question was, did the SBA lift up or emphasize the ARP or the
15 Infrastructure and Jobs Act in our messaging?

16 Q Yes.

17 A Our messaging as opposed to our events?

18 Q Messaging, and then I was going to ask events next, but messaging first.

19 A Okay. I am unable to quantify how much we've talked about in messaging
20 those two statutes. They're important, but I can't tell you now how often we've talked
21 about them.

22 So I apologize. I think that's the best I can do with respect to how we prioritize
23 them in messaging.

24 Q How do you know that they're important?

25 A Well, the ARP provided a very significant amount of funding for SBA to

1 distribute and created, I think in its entirety, the Restaurant Revitalization Fund, which is a
2 major program for us. The infrastructure law creates opportunities for small businesses
3 that we want them to be aware of.

4 Q How do you know that they're priorities -- how do you know that they're
5 important? Sorry.

6 A The reasons I just said.

7 Q So you decided on your own that they were important? Nobody talked to
8 you about them being important?

9 A Nobody talked to us -- sorry. Are you asking if anybody has ever told me
10 that those two statutes are important?

11 Q Uh-huh.

12 A I can't recall anybody specifically saying it that way. I think it's apparent.

13 Q How did you become aware of the two statutes?

14 A I don't remember how I became aware of the Infrastructure Jobs Act. ARP,
15 I remember being part of -- well, I remember being part of some discussions about how
16 the restaurant program might come to be, which would have logically predated the ARP.
17 I don't remember when I first heard the term "ARP."

18 Q Okay. In those conversations, was that just with SBA officials?

19 A About the RRF?

20 Q Uh-huh.

21 A No, no. There are other government officials.

22 Q To the best of your recollection, who were they, or what offices were they
23 with?

24 A I remember NEC, the National Economic Council, and the Treasury
25 Department.

1 Q You talked briefly about Mr. Robinson being in charge of briefing books. Is
2 that right?

3 A Yes. One of his primary duties was to assemble the briefing book.

4 Q Do you have any input into the briefing book?

5 A I can submit something to the briefing book myself if I want to, or if I'm
6 asked to. Is that what you mean?

7 Q Did you look at the briefing book before the Administrator saw it every day?

8 A No, not as a matter of practice.

9 Q Were there occasions that you did look at the briefing book before?

10 A I may have. I can't specifically remember one.

11 Q You said if someone asked you to provide something for the briefing book,
12 you would do that, correct?

13 A That's correct.

14 Q Who would ask you to do that?

15 A The Administrator could ask for a memo. I could also decide it would be a
16 good idea that the Administrator have a memo and decide to do it myself.

17 Q Were there any specific requests from the Administrator for her briefing
18 books that were regular, something she wanted updated daily, weekly, monthly?

19 Mr. Levy. Can you rephrase the question? Had she told him anything or --

20 Ms. Holmes. Yeah. I said, was he aware of anything that she had requested be
21 updated daily, weekly, monthly.

22 Mr. Plews. I'm aware of one thing. There is some form of an economic data
23 submission that's regularly updated in her briefing book.

24 BY MS. HOLMES:

25 Q Do you remember what data is included in that?

1 A I remember the unemployment rates, the interest rate on a 7(a) loan. It's
2 one of our loan products. I'm sorry. Nothing else is specifically coming to mind, but
3 other forms of economic data.

4 Q Were you aware of any requests by the Administrator to have small business
5 ownership broken down by demographics?

6 A I'm not aware of her requesting that, no.

7 Q Are you aware of it being in the book?

8 A I don't recall if it's in the book or not.

9 Q We're going to go through a few statements, and I just want you to tell me if
10 you think that they are true or false.

11 The first one, "Administrator Guzman is the most traveled member of the cabinet,
12 and travels pretty much every week." Is that an accurate statement?

13 A I don't know.

14 Q Since that was a two-parter, you don't know if she's the most traveled
15 member of the cabinet. Do you know if she travels pretty much every week?

16 A I don't know -- I don't know if she's the most traveled member of the
17 cabinet, correct. And I don't have a quantification for how much she travels that would
18 allow me to say whether the statement about her traveling every week is true or false.

19 Q Okay. You said you overlap with her when she's in the office. Is that
20 right? Or you -- you see her when she's in the office. You said that at the beginning,
21 but we can --

22 A I think I said I'm more likely to be in meetings with her if she's in the office
23 than if she's on travel.

24 Q How many days a week are you in the office?

25 A I don't have a set schedule.

1 Q Okay. How many days a week would you say that you see the
2 Administrator at the office?

3 A I'm sorry. I -- I don't have a quantification for you.

4 Q Okay. Has the White House ever said, Only invite Democrat Members to
5 SBA events, not Republicans, as far as you are aware?

6 A Not as far as I'm aware.

7 Q So that's never come through from a phone call?

8 Mr. Levy. He answered the question.

9 BY MS. HOLMES:

10 Q To clarify, you have never heard that the White House has reached out and
11 said to invite Democrat Members only?

12 Mr. Levy. He's answered that question.

13 Ms. Holmes. I would like to clarify it for the record.

14 BY MS. HOLMES:

15 Q You or anyone else at the SBA, including the Administrator or any staff, have
16 never heard a directive from the White House that said to invite Democrat Members, not
17 Republican Members, to SBA events?

18 A I'm not aware of any such directive.

19 Q Okay. For SBA-sponsored events, and/or SBA events with their resource
20 partners, does the Administrator go to events and discuss about -- things about the Biden
21 legislative priorities, ARPA, Infrastructure and Jobs Act, for those areas?

22 A Sorry. What area?

23 Q For any events that you're in. So she's going to an event. Does -- I'm
24 trying to think of how to rephrase this.

25 When the Administrator goes to events, does she talk about Biden legislative

1 priorities like ARPA or the Infrastructure and Jobs Act to show the areas that she has
2 traveled to, what the Biden economy is doing for those small businesses?

3 Mr. Fishman. It's kind of a two-part question.

4 Mr. Plews. I'm sorry. I don't know.

5 BY MS. HOLMES:

6 Q Okay. Do you ever prep talkers for her events?

7 A I can't recall personally preparing talkers for her events, and it is not a
8 regular part of my duties.

9 Q Who does prepare the talkers for her?

10 A Not sure if we use the term "talkers." We have an office of
11 communications that prepares speeches for the Administrator. Other offices in the
12 agency may prepare or provide the content for -- I'll use the term "talking points." I'm
13 sorry. I'm not trying to litigate that -- may prepare talking points, or help prepare talking
14 points for her as well.

15 Q Do you ever look at those before the Administrator sees them?

16 A I don't do so regularly. I may have done so in the past.

17 Q Do you ever provide edits to them?

18 A Again, I don't do so regularly. I may have done so in the past.

19 Q Do you recall any event for which you did provide edits?

20 A Could you specify the edits to what type of material?

21 Q The talking points and/or the speech.

22 A I'm sorry. I don't recall an example.

23 Q Okay. Does the Administrator write her own speeches, or does the
24 communications team do that?

25 A The Administrator has a speech writer. She has told me that she

1 sometimes makes edits. That is -- I think that's the best description I can give.

2 Q Okay. Has the Administrator ever gone to an event to discuss ARPA or
3 Infrastructure and Jobs Act, as far as you can recall?

4 A I don't know if she's ever gone to an event with that purpose.

5 Q Has she, as far as you know, ever spoken about either pieces of those
6 legislation at events?

7 A I apologize. I don't have specific knowledge of whether she has or has not.

8 Q Is she a spokesperson for President Biden?

9 Mr. Levy. Can you clarify what that means?

10 Ms. Holmes. I would, but you told me I couldn't talk about the video. It was an
11 allegation in the video. And the allegation was that she is, basically, a spokesperson for
12 Biden.

13 BY MS. HOLMES:

14 Q So I'm asking you if you believe that that is true.

15 Mr. Levy. Can you clarify what you mean by "spokesperson"?

16 Ms. Holmes. No.

17 Mr. Plews. I wouldn't use that term.

18 BY MS. HOLMES:

19 Q Okay.

20 A I would say that spokespeople for the President are designated White House
21 staff.

22 Q What do you think the administrator's role is as it relates to President Biden?

23 A Well, President Biden is the administrator's boss. I would say her primary
24 role is to run the SBA.

25 Q If she gets a directive from her boss, President Biden, does she have to

1 follow it?

2 A I suppose that would depend on the directive.

3 Q An executive order, for example.

4 A My understanding is that agencies are required to follow executive orders.

5 Q Is she indirectly campaigning for President Biden?

6 A No, not to my knowledge.

7 Q Have you heard her use the term "battleground States"?

8 A No. I can't recall the Administrator using that term.

9 Q Have you ever used that term in the office?

10 A I can't recall if I've ever used the term in the office. I'm confident I've used
11 the term in my life.

12 Q As you understand it in your personal knowledge, what are the battleground
13 States in this election?

14 A By this election, are you referring to the 2024 presidential election?

15 Q Correct.

16 A As I understand it, battleground States may be slightly in flux, but could
17 include such States as Wisconsin, Arizona, Nevada, Georgia, Michigan, Pennsylvania,
18 North Carolina. I've heard that one of the campaigns -- I can't recall which -- thinks that
19 Minnesota might be a plausible battleground. I'm not sure if that's all of them.

20 Q Okay. We're going to go through a couple of those States and ask, just to
21 the best of your recollection, how many trips the Administrator has taken to each.

22 So I'm going to go in alphabetical order for ease. Arizona?

23 A I'm sorry. I don't know how many trips she's taken to Arizona. And I
24 don't wish to waste the committee's time. I don't know how many trips she's taken
25 specifically to any State. I can't recall that.

1 Q Okay. I'm just going to ask you one more. What about Michigan?

2 A I don't know how many trips she's taken to Michigan.

3 Q Okay. You were on one trip to Michigan. Is that right?

4 A No. I don't believe I've ever gone on an official trip to Michigan.

5 Q Have you gone on a political trip to Michigan?

6 A No. I believe I went on vacation there as a child.

7 Q Seems lovely.

8 For the Administrator trips that include Members of Congress, do you have any
9 involvement in the planning of those events?

10 Mr. Levy. What do you mean by an event that includes a Member of Congress?

11 Ms. Holmes. An SBA event that has a Member of Congress invited to and/or
12 attending?

13 Mr. Plews. Those will sometimes be discussed at the weekly scheduling meeting
14 that we talked about, and I do sometimes join that meeting and that discussion.

15 BY MS. HOLMES:

16 Q Do you ever have any input into who is invited to events?

17 A As a general matter or specific to congressional ones?

18 Q Congressional ones.

19 A I have the right to give input. I don't recall giving input on who would be
20 invited to any events with Members of Congress particularly.

21 Q So you have the right, but can't remember if you've ever exercised it?

22 A I'm in the meeting, so I can talk.

23 Q What about events with the White House, whether the President, Vice
24 President?

25 A What about them?

1 Q Do you have any input into whether or not they are attending?

2 A If the President or Vice President are attending?

3 Q Uh-huh.

4 Mr. Levy. Can he -- can he weigh in on whether the President or the Vice
5 President should or shouldn't attend an event?

6 Ms. Holmes. Does he have any input into whether or not the Administrator
7 invites the President or the Vice President to an event.

8 Mr. Plews. Oh, occasionally. For example -- I'm sorry to -- for the record. But
9 we do -- we have in the past sought to have some White House principal attend a
10 National Small Business Week event. I didn't suggest that. But I remember being
11 aware of that and communicated about that to somebody.

12 BY MS. HOLMES:

13 Q Does the Office of Legislative Affairs ever come to you with ideas of who
14 should be invited to events?

15 A No. I can't recall the Office of Legislative Affairs coming to me personally to
16 talk to about who should be invited to events.

17 Q Are they at the table for the scheduling meeting?

18 A They're on the invitation, yes.

19 Q Is there any current tracker for administrator events, past and future?

20 A When you say, "current tracker" --

21 Q Like something that's kept up to date. The Administrator has done these
22 72 events, we have these 15 upcoming events. Anything of that nature where you're
23 tracking where the Administrator is going other than her official schedule?

24 A I don't know if any such document is currently maintained.

25 Q Does any document exist documenting her past trips?

1 A Yeah. I've seen a document -- at least one document in the past that did.

2 Q But it's not something that's regularly updated, to the best of your
3 knowledge?

4 A That, I don't know.

5 Q Okay. Under what circumstances do you see that list?

6 A I believe it was sent to me from our office of communications.

7 Q So as far as you know, they likely have some sort of tracking of where the
8 Administrator is?

9 A I'm sorry. I don't know.

10 Q Do you have a list of upcoming events for the Administrator?

11 A List of upcoming events, meaning things planned in the future?

12 Q Uh-huh.

13 A And is the "you" here me personally or the agency?

14 Q Yes, you personally.

15 A No. I'm not aware of being in possession of one for me personally. No,
16 not that I maintain.

17 Q So the weekly scheduling meetings, is that where you learn about events
18 that are -- she's going to?

19 A That would be the most commonplace, yes.

20 Q Okay. How far out do those meetings go? How far out in the future are
21 they planning on average?

22 A I don't know that there is a rule. I can recollect discussing things in the next
23 couple of months.

24 Q Okay. Do you know when the next event the Administrator is going to is?

25 A I was hoping the date would help me. I'm sorry. I don't know what the

1 next event she's going to do is, no. I can't recall.

2 Q Do you have any upcoming travel with the Administrator?

3 A Me personally?

4 Q Uh-huh.

5 A No. Nothing planned.

6 Q Do you remember an event with Senator Tester.

7 Mr. Levy. An administrator event?

8 Ms. Holmes. Yes.

9 Mr. Plews. I'm not sure if we have done an event with Senator Tester.

10 BY MS. HOLMES:

11 Q All right. We're going to pivot a little bit to a couple of phrases.

12 Are you aware of what the Office of Special Counsel is?

13 A I am.

14 Q Are you aware of what they are in charge of doing?

15 A To some extent.

16 Q They are in charge of enforcing the -- investigating violations of the Hatch
17 Act. Is that the same as your recollection of what they do?

18 A My understanding is they do that, and also investigate some forms of
19 personnel practice violations. Not sure what exactly.

20 Q Okay. One of their opinions discusses prohibiting the use of campaign
21 slogans in the Federal workplace.

22 Were you made aware of that advisory opinion at any time?

23 A Yes, as a general matter, I'm aware of the Office of Special Counsel's view. I
24 can't recall if I was aware that there was an advisory opinion on it.

25 Q Okay. We're going to introduce that advisory opinion as Majority Exhibit 1.

1 So we'll take a second and pass it around.

2 [Plews Majority Exhibit No. 1
3 was marked for identification.]

4 BY MS. HOLMES:

5 Q You can take a minute and familiarize yourself with it. It's one page.

6 Mr. Fishman. Is this exhibit 1?

7 Ms. Holmes. Uh-huh.

8 BY MS. HOLMES:

9 Q Are you ready?

10 A I am.

11 Ms. Holmes. You guys good?

12 Mr. Fishman. I'm good.

13 BY MS. HOLMES:

14 Q Prior to me sliding this over to you, have you seen this document?

15 A I don't recall seeing this specific document prior to today.

16 Q In your Hatch Act training, do they discuss the concept of prohibiting
17 campaign slogans in the office?

18 A Yes.

19 Q So you knew that campaign slogans were prohibited in the office --

20 A Yes.

21 Q -- prior to me handing you this? Okay.

22 Have you ever heard the term MAGA or Make America Great Again in the office
23 emails or in messages?

24 A I have never heard it said in the office that I can recall, or seen it in any
25 messages firsthand. I saw news reporting about a complaint filed that -- with OSC that

1 attached some -- what purported to be agency emails that contained the phrase.

2 [Plews Majority Exhibit No. 2
3 was marked for identification.]

4 BY MS. HOLMES:

5 Q We're going to introduce majority exhibit 2, which is probably the email that
6 you're referring to. I'll give you a minute to take a look.

7 For the record, this is an email chain between Brianna Stonick, B-r-i-a-n-n-a,
8 S-t-o-n-i-c-k, senior communications assistant at the White House; Christina Hale, the
9 assistant administrator for the SBA Office of Women's Business Ownership; Administrator
10 Guzman; and yourself.

11 On March 20th, Stonick emailed Hale talking points on President Biden's veto of
12 extreme MAGA Republican bill. "Feel free to deploy now to your respective universes."
13 She then forwarded this email to you and the Administrator.

14 So prior to me handing this to you, have you seen this email chain before?

15 A I don't recall it, but that is my agency email address.

16 Q Okay.

17 Mr. Levy. Just to note for the record, the top email doesn't appear to be sent to
18 him. So when you're talking about the thread, you're asking him about whether he's
19 seen the entire thread or the part that he's on?

20 Ms. Holmes. The part that he's on, which does include the below thread.

21 Mr. Levy. Right. But not the top one.

22 Ms. Holmes. No.

23 Mr. Levy. All right.

24 BY MS. HOLMES:

25 Q So this email was clearly sent after the OSC opinion which we just looked at,

1 which was dated December 14th, 2022. This is dated March 20, 2023.

2 Were you aware that the term -- this term, "MAGA," or Make America Great
3 Again, was prohibited under the Hatch Act?

4 Mr. Fishman. Objection.

5 Mr. Levy. Objection.

6 Mr. Albrecht. On what grounds?

7 Ms. Holmes. What's your objection?

8 Mr. Fishman. There's no support. There's no basis for showing that he has any
9 knowledge. He said he has never seen that opinion.

10 Ms. Holmes. He said he had been trained on it, Hatch Act training.

11 Mr. Fishman. That's fine. But he's never seen that opinion.

12 Ms. Holmes. So at the time of this email coming through, did you know that it
13 was prohibited to use campaign slogans in Federal --

14 Mr. Fishman. Objection.

15 Ms. Holmes. What grounds?

16 Mr. Fishman. How do you know that it was illegal for him to use -- even if he did,
17 which he didn't admit that he did or didn't -- any of this?

18 Mr. Levy. Well, the other objection I make is to foundation in the sense that I
19 don't know that this email does use a campaign slogan for the purposes described in the
20 memo in exhibit 1.

21 Ms. Holmes. Okay. So let's walk through it. Your objections are noted, but
22 again, going to continue to ask the question. You may instruct him not to answer, but I
23 am going to ask the question.

24 BY MS. HOLMES:

25 Q You said that you were trained that presidential and/or campaign slogans

1 are prohibited under the Hatch Act, right?

2 Mr. Levy. His testimony speaks for itself, but ask a question.

3 Ms. Holmes. I did just ask a question.

4 Mr. Levy. I don't want you mischaracterizing his testimony.

5 Ms. Holmes. Okay.

6 BY MS. HOLMES:

7 Q So you tell me. Were you trained on Hatch Act compliance?

8 A Yes.

9 Q And as part of that training, were you informed that the use of campaign
10 slogans is against the Hatch Act?

11 A Yes, though that may have been after this email.

12 Q You said you were trained on the Hatch Act annually?

13 A I said I've been trained this year.

14 Q This year. And have you been trained in prior years?

15 A I don't recall.

16 Q When we were discussing it as being annual training, I asked if you were
17 annually trained on ethics. You said IT, and then I asked Hatch Act. You said, yes.

18 A I apologize. I don't remember you asking if those trainings were annual. I
19 don't know if they are annual. They may be.

20 Q So you've only, to the best of your recollection, been in one Hatch Act
21 training, and that was --

22 Mr. Levy. Not what he said.

23 Mr. Plews. No. I can recall two Hatch Act trainings, but my recollection is both
24 were this year.

25 BY MS. HOLMES:

- 1 Q Both were this year?
- 2 A Correct.
- 3 Q Why were there two?
- 4 A The Hatch Act is important.
- 5 Q Were the trainings different?
- 6 A One was performed by the Office of Special Counsel.
- 7 Q Okay.
- 8 A One was performed by our agency Office of General Counsel.
- 9 Q How were the trainings different?
- 10 Mr. Levy. Substantively?
- 11 Mr. Plews. Couldn't give a full recollection as to whether the topics covered
- 12 were different. The people performing the training were different.
- 13 BY MS. HOLMES:
- 14 Q Okay.
- 15 A That's the best I can recall at this time.
- 16 Q And in either of those trainings, or both, was it mentioned that campaign
- 17 slogans are not to be used?
- 18 A Yes, I recall that in at least one.
- 19 Q Okay. So at the time of this email, March 20th, 2023, you received it at
- 20 1:11 p.m., were you aware that the use of campaign slogans was against the Hatch Act?
- 21 A I don't know.
- 22 Q Okay. Did you learn after the fact in your training?
- 23 A I recall learning that at the Office of Special Counsel training or more
- 24 specifically, I should say, I recall that being part of the training.
- 25 Q Okay. In this email, it states, "Feel free to deploy now to your respective

1 universes."

2 Do you remember seeing that at the time?

3 A I don't.

4 Q Reading it back now, what do you think that that means?

5 Mr. Levy. Objection.

6 Ms. Holmes. On what grounds?

7 Mr. Levy. I think you'd have to ask Ms. Stonick.

8 Ms. Holmes. I'm just asking what he thinks about a particular phrase that was in
9 an email sent to him.

10 Mr. Plews. Well, Ms. Stonick didn't send it to me.

11 BY MS. HOLMES:

12 Q Correct.

13 A And so I'm -- I'm sorry that I don't know what she would mean with respect
14 to me.

15 Q I'm not asking what she means. I'm asking, what do you understand it to
16 mean looking at it now?

17 A How is that different from what she means?

18 Q I don't really care what she means. I want to know what you understood.

19 A Well, she wrote it.

20 Q Correct.

21 A So wouldn't what she means and what it means be the same?

22 Mr. Albrecht. I mean, you can interpret something to mean something in the
23 way someone else said that. That's a common social interaction. We don't phrase
24 things perfectly, right?

25 So we're not asking what literally she meant. We are asking what specifically you

1 understood that to mean.

2 Mr. Plews. I don't recall receiving the email.

3 BY MS. HOLMES:

4 Q Reading this today, what do you understand that to mean?

5 A I -- I don't know that I do.

6 Q Okay. We can move on.

7 Are you aware of the executive order released by President Biden, 14019,
8 promoting access to voting?

9 A Yep, I'm familiar with that.

10 Q How are you familiar with it?

11 A I'm familiar that it does -- that it covers the topic you mentioned then,
12 promoting access to voting.

13 Q When did you become familiar with it?

14 A I don't recall when I first became familiar with it.

15 Q You said you know it promotes access to voting.

16 What else do you understand the executive order to direct agencies to do?

17 A I believe it discusses the concept of agencies becoming voter registration
18 agencies. I'm not sure what else specifically it does.

19 Mr. Levy. Do you want to put it in front of him?

20 Mr. Eckhardt. It's in the --

21 Ms. Holmes. Do you want to look at it right now?

22 Mr. Levy. If you're going to ask him about it, might as well.

23 Ms. Holmes. You can introduce Majority Exhibit 3. This is the Executive Order
24 14019 from President Biden on March 10th, 2021.

25 [Plews Majority Exhibit No. 3

1 opportunities to register to vote and to obtain information about, and participate in, the
2 electoral process." There's then follow-up text.

3 BY MS. HOLMES:

4 Q When do you first remember discussing this executive order with the
5 Administrator?

6 A I'm sorry. I don't recall when we first discussed it, or if we have discussed it
7 in much detail ever.

8 Q Okay. Are you familiar with the SBA's recently entered MOU with the State
9 of Michigan to help facilitate voter registration in an attempt to implement this executive
10 order?

11 A I have some familiarity about it.

12 Q When did you become aware of that agreement?

13 A I don't recall when I first became aware of the agreement.

14 Q Do you recall how you became aware of the agreement?

15 A No, I don't.

16 Q Were you involved in any negotiations about the agreement?

17 A Not to my recollection.

18 Q Did you ever discuss an MOU voter registration or this executive order with
19 anyone from the Michigan Secretary of State's office?

20 Mr. Levy. Is there -- if there's a specific MOU which you're referring, could you
21 just put it in front of him so we're talking about --

22 Ms. Holmes. I will.

23 Mr. Levy. -- the same thing?

24 Ms. Holmes. He said he was aware of the agreement that I was discussing, so I
25 will introduce it in due order. But first I want to know if you had any conversations

1 about the agreement implementing this executive order with the State of Michigan with
2 anyone from the Michigan Secretary of State's office?

3 A No. I don't recall having any conversations about that.

4 Q Do you recall having any conversations with any third parties about the MOU
5 with the State of Michigan?

6 A No, I don't recall that.

7 Q Do you have any responsibilities under the MOU?

8 A Do I personally have any responsibilities under the MOU?

1 [12:09 p.m.]

2 BY MS. HOLMES:

3 Q Yeah, as Chief of Staff.

4 Mr. Levy. I think at this point it would be helpful to put it in front of him.

5 Mr. Plews. Yeah, let me see it.

6 Ms. Holmes. Okay. This will be majority exhibit 4.

7 [Plews Majority Exhibit No. 4
8 was marked for identification.]

9 Ms. Beca-Barragan. How much time do you have left?

10 Ms. Holmes. Well, we had an extra 10 minutes because we ended 10 minutes
11 early on the other hour. So it will be 12:15.

12 And then we were going to do 5 because apparently you had two parts. So now
13 you will have all of the documents in front of you.

14 [Plews Majority Exhibit No. 5
15 was marked for identification.]

16 Mr. Levy. Thank you. Appreciate that.

17 Mr. Fishman. I'm sorry. What did you say? I apologize. I didn't hear you.

18 Ms. Holmes. The MOU was in two parts. There was a memorandum of
19 agreement and a memorandum of understanding. So the memorandum of agreement
20 is 4.

21 Mr. Fishman. Gotcha.

22 Ms. Holmes. The memorandum of understanding is 5.

23 Mr. Fishman. Thank you. I just didn't hear you.

24 Ms. Holmes. No, that's okay. I definitely want to make sure we're clear.

25 BY MS. HOLMES:

1 Q So we're not going to get through all these questions in the next 5 minutes.
2 However, do you recall discussing this memorandum of agreement or memorandum of
3 understanding with any third parties?

4 A No, I don't recall doing that.

5 Q Okay. And then, as Chief of Staff, do you have any responsibilities under
6 this memorandum of agreement or understanding?

7 A To the best of my recollection, there is not a specific responsibility for the
8 Chief of Staff under the memorandum of agreement or memorandum of understanding,
9 but I'm happy to review both of them now to confirm that if you'd like.

10 Q That's okay.

11 During a May 3, 2024, briefing with Ms. Jennifer Kim, the Associate Administrator
12 at the SBA Office of Field Operations, committee staff were told that negotiations with
13 Michigan over this MOU began in December of 2021.

14 Can you remind me what your role was then?

15 A My role at the agency in December of 2021?

16 Q Yeah.

17 A I would've been Deputy Chief of Staff.

18 Q Still Deputy?

19 A Uh-huh.

20 Q Okay.

21 From that time until the agreement was signed in March of 2024, did you attend
22 any meetings at which the MOU was discussed?

23 A What was the end date?

24 Q March of 2024.

25 A I can't recall any such meetings. I may have.

1 Q And since March of 2024, when it was signed, have you had any meetings in
2 which the MOU was discussed?

3 A Not the substance of the MOU, but the topic of the Michigan partnership
4 has come up in Congressional and Legislative Affairs briefings.

5 Q Is that just part of your regular meetings?

6 A Uh-huh.

7 Q Do they provide you any updates on this one?

8 A Again, not on the specific substance of the MOU.

9 Q What were the updates about?

10 A The fact of elevated congressional interest in this area.

11 Q With OLA or any other office head, have you discussed this MOU?

12 Mr. Fishman. Aside from attorneys, I assume.

13 Ms. Holmes. Always.

14 Mr. Fishman. Just making clear.

15 Mr. Plews. I may have. I don't recall discussing the MOU specifically.

16 BY MS. HOLMES:

17 Q Okay. Do you remember discussing voter registration with any of the office
18 heads?

19 A I don't recall doing so, but, again, I may have at some point.

20 Q Do you remember discussing voter registration with the Administrator at any
21 point?

22 A Same. I don't recall doing so, but I may have at some point. The topic of
23 voter registration and the Michigan MOU has been part of recent congressional briefings
24 to me and the Administrator.

25 Q Okay. Do you remember why Michigan was selected?

1 A I don't know why Michigan was selected.

2 Q Okay. Do you remember when you learned that Michigan was selected?

3 A I don't remember specifically, no.

4 Q Okay. As far as you know, are there any other States that are being
5 considered?

6 A I'm aware that other States have been considered in the past. I don't know
7 if any are currently being considered.

8 Q What were those?

9 A Utah and Kentucky are the two that I'm aware of.

10 Q Do you remember why those States weren't selected?

11 A I don't know if they have or haven't been.

12 Q Okay. Do you remember any discussions surrounding those two States?

13 A I'm aware of a desire to expand the initiative to more States. I don't recall
14 specific discussions about the details of those two States or how far along we are or not.

15 Q Okay. So that's an active desire to expand the initiative in other States, not
16 past?

17 A I'm not sure. I know in the past we had that desire.

18 Q "In the past." You mean last week? Last year?

19 A Within the last month.

20 Q Within the last month. Okay.

21 Ms. Holmes. I think we are just about at time, so we will pause there and switch.
22 We can take a 5-minute break, 10-minute, or we can -- it's 12:14 -- if you guys want to do
23 a longer break for lunch, we can do that.

24 Mr. Levy. Are we off.

25 Ms. Holmes. Oh, yeah. We can go off.

1 [Recess.]

2 Ms. Holmes. We can go back on the record.

3 BY MS. HOLMES:

4 Q We're going to walk through some of the lead-up to the signing of the MOU.
5 I know you said a lot of it you cannot recall, so we'll go through a couple of exhibits to
6 hopefully refresh your recollection.

7 The first one is majority exhibit 6. We'll mark it and distribute it.

8 [Plews Majority Exhibit No. 6
9 was marked for identification.]

10 Mr. Levy. And, Lauren, do you want me to ask my question at the end of your
11 hour.

12 Ms. Holmes. Yes.

13 Mr. Levy. Yeah, no problem.

14 BY MS. HOLMES:

15 Q Okay. This email shows that on April 1, 2021, just weeks after President
16 Biden signed Executive Order 14019, you, Mr. Plews, received an email from the White
17 House about an interagency policy meeting on the implementation of the executive
18 order.

19 Do you remember this email?

20 A I don't. I'm sorry.

21 Mr. Levy. Did you read it? Make sure you read it.

22 Mr. Plews. I'm sorry, I don't recall receiving it.

23 BY MS. HOLMES:

24 Q Okay. You were Deputy Chief at the time, April 1, 2021, right?

25 A Yes. That's correct.

1 Q Did you frequently get these sorts of emails from the White House? Is that
2 why it's not memorable?

3 Mr. Levy. Objection.

4 Ms. Holmes. To what.

5 Mr. Levy. You asked a couple questions and --

6 Ms. Holmes. Okay. I can ask them individually.

7 BY MS. HOLMES:

8 Q Did you frequently receive emails like this from the White House?

9 Mr. Levy. What do you mean by an "email like this".

10 Ms. Holmes. Interagency meetings from the White House.

11 Mr. Plews. Yes.

12 BY MS. HOLMES:

13 Q You frequently received them?

14 A I frequently received emails about interagency meetings.

15 Q From the White House?

16 A Yeah.

17 Q How often is "frequently"?

18 A I don't know that I can really quantify it, but I think, ballpark, we're in about
19 60 or so interagency processes right now.

20 Q That require White House meetings?

21 A That number is my understanding. Almost all, if not entirely all, are
22 White-House-coordinated processes.

23 Q Okay.

24 Did you send anyone to this meeting, or did you go yourself?

25 A Referring to this Friday, April 9th --

1 Q Yep.

2 A -- meeting that's highlighted? I don't recall. I'm sorry.

3 Q When was it determined that the SBA Office of Field Operations would be
4 the best office to implement the executive order?

5 Mr. Levy. Sorry. Can you establish a foundation for that.

6 Ms. Holmes. Sure.

7 BY MS. HOLMES:

8 Q We know that the Office of Field Operations was in charge of implementing
9 the executive order and the memorandum of understanding.

10 Do you recall when that determination was made, to make them the point and/or
11 in charge of implementing the executive order?

12 Mr. Levy. Can you ask him if he understands that the SBA is in charge of
13 implementing the executive order? Because I don't know that he said that.

14 BY MS. HOLMES:

15 Q In our discussions in the last hour, you talked about how the SBA was given a
16 directive under the executive order to work on voter registration efforts.

17 Is that your understanding of the executive order and the SBA's role?

18 A I suppose I should consult the executive order.

19 I'll just read from this section. It says, "The agency shall consider ways to expand
20 citizens' opportunities to register to vote and to obtain information about and
21 participation in the electoral process."

22 So that's my understanding of what the EO does.

23 Q Okay.

24 A You had another question?

25 Q Yep. Who decided that the SBA Office of Field Operations would be the

1 best office to implement the executive order?

2 Mr. Levy. Objection. I don't know that -- you first have to ask him if that
3 decision was made, that it was the best place. I don't know that that's in the record
4 from his testimony.

5 Ms. Holmes. It's not from his testimony, no.

6 BY MS. HOLMES:

7 Q Who decided that the SBA Office of Field Operations would be part of the
8 implementation of the Executive Order 14019?

9 A You mean within the SBA, correct?

10 Q Uh-huh.

11 A I don't know who made that decision.

12 Q Were you aware that that decision was made?

13 A I had been advised that the Office of Field Operations works on this
14 executive order.

15 Q Who told you that?

16 A I don't recall who originally told me that.

17 Q When were you made aware of that?

18 A I also don't recall.

19 Q In the last year?

20 A I'm sorry, I don't recall if it was in the last year or not.

21 Q Do you recall the rationale shared with you for why the Office of Field
22 Operations was utilizing and/or implementing this executive order?

23 Mr. Levy. Objection. Foundation.

24 Ms. Holmes. That's actually not a valid objection under our rules. So you can
25 make it; it's noted.

1 BY MS. HOLMES:

2 Q What was the rationale that you recall?

3 Mr. Levy. Was a rationale provided to you at all that you recall.

4 Mr. Plews. I don't recall receiving the rationale, and I'm unaware of what the
5 rationale would've been.

6 BY MS. HOLMES:

7 Q Did it make sense to you to have the Office of Field Operations in charge of
8 the executive order?

9 A Well, I'm not sure that they're in charge. I know that they worked on it.
10 Or I've been advised that they worked on it.

11 Logically, it does make some sense. The Office of Field Operations does
12 in-person engagement for the agency, and theirs is potential in-person elements here
13 being contemplated. That could be logical.

14 Q Okay.

15 In the email -- this is exhibit 6 -- it says, "... please identify your agency's staff lead
16 [who is] responsible for coordinating the implementation of the executive order and
17 provide your written responses to the questions below."

18 Do you recall who that point person was?

19 Mr. Levy. Where is this? Sorry.

20 Ms. Holmes. It's in the second paragraph --

21 Mr. Levy. Yeah.

22 Ms. Holmes. -- the end of the second sentence.

23 Mr. Eckhardt. Second line.

24 Mr. Plews. I apologize. Could you repeat the question?

25 BY MS. HOLMES:

1 Q Yeah. Do you recall who the agency staff lead was or is?

2 A At this time, I don't recall who it was at this time. I don't know if that
3 concept is still in use.

4 Q Is there a point person in the SBA that is leading the implementation of the
5 executive order, to the best of your knowledge?

6 A I don't know.

7 Q If you had a question about the executive order, who would you go to?

8 Mr. Levy. Within the SBA.

9 BY MS. HOLMES:

10 Q Within the SBA.

11 A What kind of question?

12 Q Any kind of question.

13 A Well, it would depend on what the kind of question was.

14 Q Okay. A question on the substance of the executive order, who would you
15 go to?

16 A I promise I'm not trying to be difficult. What kind of substance?

17 Q The implementation of the executive order.

18 A I'd go to the Office of Field Operations.

19 Q Who in the Office of Field Operations would you ask?

20 A Based on the nature of my role, I always go to the head of the office
21 whenever I'm asking an office any kind of question -- or, sorry, not always, but usually.

22 Q And who is that?

23 A That's Jennifer Kim.

24 Q Have you asked her any questions about the executive order or the
25 memorandum of understanding?

1 A I may have. I can't recall doing so at this time.

2 Q Do you recall any conversations you've had with Ms. Kim about the
3 executive order?

4 A No, I'm sorry, I don't.

5 Q Do you recall any conversations you've had with Ms. Kim about the
6 memorandum of understanding with Michigan?

7 A No, I don't recall any.

8 Q Do you recall any email communication with Ms. Kim about the executive
9 order?

10 A I don't recall email communication with Ms. Kim about the EO at this time.

11 Q Do you recall any email communication with Ms. Kim about the Michigan
12 memorandum of understanding?

13 A No, I don't.

14 Q You said you did not attend this meeting, to the best of your recollection,
15 right?

16 Mr. Levy. "This meeting" being the Friday, April 9, meeting.

17 BY MS. HOLMES:

18 Q The April 9th, from 10:30 to 11:30 a.m. eastern.

19 A To the best of my recollection, but this was in 2021.

20 Q Correct. Do you recall if the Chief of Staff went to this meeting?

21 A No. I don't know who went to this meeting, if anyone did.

22 Q Okay.

23 By this point in April of 2021, you are still the Deputy. Do you recall any
24 conversations with the Administrator about Executive Order 14019?

25 A No, I don't recall any such conversations.

1 Q Okay.

2 We'll now introduce majority exhibit 7 and take a second to distribute that.

3 [Plews Majority Exhibit No. 7
4 was marked for identification.]

5 BY MS. HOLMES:

6 Q This is an entry from Administrator Guzman's calendar illustrating that, the
7 same day as the email that we just talked about, exhibit 6, you had a meeting with
8 Administrator Guzman and then your boss, Mr. Griffin, who was the SBA Chief of Staff at
9 the time.

10 You were an invitee on this meeting. Were you aware of this meeting?

11 A I don't recall this invitation.

12 Q Okay.

13 It says, "Leave for White House at 11:15."

14 Is that the Administrator's calendar, as far as you can tell? Because this is an
15 invite that she got, presumably.

16 Mr. Levy. So you're looking at 11:15.

17 BY MS. HOLMES:

18 Q The second one. Sorry.

19 So there's a check-in that was scheduled. You say you don't remember that.

20 The next thing on there is "leave for White House at 11:15."

21 Do you remember anything about April 1st?

22 A Do I remember anything about April 1st, 2021?

23 Q Uh-huh.

24 A No, I'm sorry, I don't.

25 Q Nothing stuck out?

1 A Nothing's coming to mind.

2 Q Okay.

3 As far as you can recall, how often does the Administrator go to the White House?

4 A I don't know exactly.

5 Q Have you ever attended an event and/or meeting at the White House with
6 the Administrator?

7 A Yes.

8 Q Can you recall the dates of those, about?

9 A I don't think this is what you're looking for, but we had lunch at the Navy
10 Mess -- what day is today? It must've been last week.

11 I can only recall attending one other meeting with the Administrator at the White
12 House. It was the meeting I previously referenced that Chief of Staff Zients was also at.

13 Q And what was that meeting about?

14 A That one covered, I believe, multiple topics. The one I recall it covering was
15 return to work/ in office presence in the government.

16 Q Okay.

17 How many meetings have you gone to at the White House in your official capacity
18 at SBA?

19 A In person?

20 Q In person first.

21 A I can't give an exact quantification, but it's not particularly common.

22 Ballpark, I'd estimate once every couple of months maybe.

23 Q Okay. How often are you on calls and/or virtual meetings with the White
24 House?

25 A It's varied a great deal, but I would say, with anyone in the White House,

1 perhaps an average of at least once a week.

2 Q Are there times that it's more frequent than that, if there's something
3 particularly --

4 A Yes, it's definitely been more frequent than that at times in the past.

5 Q Can you recall any of those specific subjects?

6 A Yeah. During the implementation of the agency's pandemic
7 programs -- PPP, COVID EIDL, RRF, SVOG -- let me know if you need the definition of the
8 acronyms --

9 Q No, we got it. Thank you.

10 A -- I'm sure the committee's familiar -- yes, meetings with White House were
11 more frequent for me.

12 Q Okay. In your time as Deputy, did you go to the White House, or is it just as
13 Chief of Staff role?

14 A The question is, did I ever go in person to the White House while I was
15 Deputy Chief of Staff?

16 Q Yeah.

17 A I don't recall going --

18 Q Okay.

19 A -- to the White House in person while Deputy Chief of Staff. It doesn't
20 mean it didn't happen; I just don't recall.

21 Q That's okay.

22 To the best of your recollection, did any of the meetings that we just went
23 through with the White House, either virtual or in person, discuss the executive order?

24 A The executive order on voting?

25 Q 14019, yep.

1 A No, not to my recollection.

2 Q And, to the best of your recollection, did any of the meetings we just
3 discussed have the topic of conversation be of voter registration?

4 A And I suppose I should've clarified. By "meetings we just discussed," are
5 you referring to in-person meetings that I've gone to at the White House at any point,
6 while I was Deputy Chief of Staff, or what meetings are we talking about?

7 Q The in-person and virtual or call.

8 Mr. Levy. And the subject matter of those meetings was.

9 Ms. Holmes. Voter registration.

10 Mr. Plews. So it's any in-person, virtual meeting, or call that I participated in
11 with the White House talking about voter registration?

12 BY MS. HOLMES:

13 Q Correct.

14 A Yes, I can recall one meeting that was about voter registration.

15 Q Do you remember when that was?

16 A It was sometime this year. I want to say a few months ago. I'm not sure
17 exactly when.

18 Q So you discussed voter registration. Did you discuss the memorandum of
19 understanding with Michigan?

20 A No. I didn't actually talk at the meeting.

21 Q Okay. Did anyone on the call or meeting discuss the Michigan Secretary of
22 State?

23 A No, SBA wasn't discussed at all.

24 Q SBA wasn't discussed at all?

25 A Huh-uh.

1 Q Who presented?

2 A I recall GSA presenting and VA presenting.

3 Q Did they discuss anything about voter registration and the agencies that
4 were directed to designate themselves as voter registration agencies?

5 A I don't know if anyone has been directed to designate themselves as a voter
6 registration agency. Is the question, did they discuss the concept of a voter registration
7 agency?

8 Q Sure.

9 A I believe the VA's presentation touched on that topic, yes.

10 Q And is that because the VA has a voter registration designation?

11 A I believe they presented that they either have that designation or were
12 working on such a designation, one of the two.

13 Q And what was GSA's role?

14 A My recollection is they presented on a website called vote.gov.

15 Q I'm not familiar with it. What is vote.gov?

16 A Embarrassingly, I don't recall too many of the specifics of GSA's presentation.
17 I believe it contained some type of information about voting; I'm not sure what.

18 Q Okay.

19 We are going to go to majority exhibit 8.

20 [Plews Majority Exhibit No. 8
21 was marked for identification.]

22 BY MS. HOLMES:

23 Q Okay. This is another calendar invitation from Administrator Guzman's
24 calendar on April 30, 2021.

25 This invite indicates that, on April 30, 2021, an SBA employee requested an urgent

1 meeting with Guzman regarding a, quote, "philosophical disconnect with OMB." The
2 calendar indicates that an employee named Julie wanted this meeting.

3 Do you think that that was Julie Verratti?

4 Well, first, are you familiar with this meeting?

5 A No, I'm not.

6 Q Okay.

7 A Or, at least, I can't recall this meeting.

8 Q Okay.

9 Mr. Fishman. Just for kicks, what is the scope of this?

10 Mr. Eckhardt. This is involving -- like, these kind of entries generally involve the
11 SBA's implementation of the executive order.

12 Mr. Fishman. And a meeting regarding RRF had something to do with a
13 personnel issue? Or whatever it is that is urgent is related to what.

14 Ms. Holmes. As far as we can tell, yes, it was at the time. But he doesn't
15 remember, so we can't actually affirm or deny that information.

16 [Plews Majority Exhibit No. 9
17 was marked for identification.]

18 BY MS. HOLMES:

19 Q All right. Moving into exhibit No. 9, this is an email chain from Devontae
20 Freeland, a special assistant to the deputy counsel in the White House Counsel's Office, to
21 various agency employees, including Julie Verratti -- you told me how to say that properly.

22 A "Verratti."

23 Q "Verratti" -- and Victor Parker.

24 This email shows that, on May 3rd, Verratti and Parker received an email from
25 Freeland regarding the second interagency policy committee meeting at the White

1 House -- so this is the second one from the exhibit 6 -- scheduled for May 21, 2021, and
2 the interim report due to the White House Domestic Policy Council by June 15, 2021.

3 You're not on this email chain specifically, but do you remember hearing about
4 this meeting?

5 Mr. Levy. Is there -- just, before he answers the question, it looks like exhibit 9 is
6 a part of an email thread. It looks like there may be more to it. Do you have the rest
7 of it.

8 Ms. Holmes. It's front and back. This is what was released in a FOIA from the
9 SBA. So that would be a question for the SBA, if they have further context for this.

10 Mr. Levy. So, just to be clear, the top of the thread on the first page doesn't
11 have a "from" or a "to." It's just language from a stray email. And the committee does
12 not have a copy of the page that comes before it, or the email with --

13 Ms. Holmes. I think it might have been released in the FOIA, but we did not pull
14 it for this interview because that part was not what we wanted to question on.

15 Mr. Levy. But you're asking him about a part of a document, not the whole
16 document.

17 Ms. Holmes. Yep.

18 Mr. Levy. And I just don't think that's fair to a witness to do.

19 Ms. Holmes. Okay. That's fine.

20 Mr. Levy. I'm going to note my objection. But go ahead and ask your
21 questions.

22 Ms. Holmes. Yeah.

23 BY MS. HOLMES:

24 Q Where you can see the highlights, so from the bottom of this page, the front
25 of the page to the back, this is -- as I said, this is the followup meeting to the initial

1 meeting we discussed in exhibit 6. It says, "As discussed at the April 9 interagency
2 meeting." That's how we know it was that first meeting that you were on the email
3 chain for.

4 You weren't included on this one, so do you remember anything about these
5 interagency meetings with the White House about the executive order implementation?

6 Mr. Levy. Are you asking if he recalls anything about the, quote, "second
7 interagency policy meeting on May 21, 2021".

8 Ms. Holmes. No. I'm asking if he remembers anything about this meeting.

9 Mr. Levy. When you say "this meeting" --

10 Ms. Holmes. The followup meeting that is listed in this.

11 Mr. Levy. Is that --

12 Ms. Holmes. So, yeah, so May 21st.

13 Mr. Plews. I don't recall anything about an interagency policy committee
14 meeting on EO implementation, voting EO implementation, on May 21st, 2021.

15 BY MS. HOLMES:

16 Q Do you recall it on any date?

17 A Other than the meeting that we just discussed, no, I don't.

18 Q Okay.

19 This one mentions a report that is going to the White House. Let me find the
20 exact language.

21 Okay. "The purpose of that meeting will be to support development of the
22 interim reports, help coordinate feedback from external stakeholders, and share
23 strategies for implementing a whole-of-government presidential priority."

24 Do you remember an implementation strategy or report that the SBA prepared as
25 it relates to Executive Order 14019 implementation?

1 A No, I don't have any recollection of a report like that.

2 Q So you don't remember seeing one at any time?

3 A Not to my recollection. It's certainly possible, but I don't recall.

4 Q Okay.

5 At this point, so as of whatever day it is, have you heard about the
6 implementation of Executive Order 14019 or how the agency is planning to implement it?

7 A I'm sorry, I don't recall when I first became aware of the EO or our
8 implementation plan.

9 Q Okay.

10 How often did you and Mr. Griffin meet with the Administrator when he was Chief
11 and you were Deputy?

12 A Together?

13 Q Yeah.

14 A That's a good question. I'm afraid I don't have a quantification. I'm sorry.

15 Q Okay. Was it weekly, like, that level of frequency? Daily?

16 A "Weekly or more" sounds correct if we're being inclusive of meetings that
17 both he and I were in and also other people.

18 Q Okay.

19 A I don't know that we had many, if any, meetings where it was just the three
20 of us. I don't know if the calendar invite listed that. I don't recall that specific meeting.

21 Q Okay.

22 Do you recall any roundtables by the White House inviting agency personnel to
23 discuss election issues?

24 A No, I don't recall anything like that at this time.

25 Q Do you recall any type of roundtable that the agency had ever been invited

1 to, regardless of subject, that was put on by the White House?

2 A I'm not sure if it'd be classified as a roundtable, but there was some kind of
3 business leader event at the White House last week that some of our staff were invited
4 to. Or, I think it was last week. Sometime in the last 2 weeks.

5 Q Was that around elections?

6 A No, not to my knowledge.

7 Q Okay.

8 All right. We're going to introduce a couple of documents which we will
9 collectively refer to as majority exhibit 10.

10 [Plews Majority Exhibit No. 10
11 was marked for identification.]

12 BY MS. HOLMES:

13 Q I'll give you a minute to look through this.

14 Good?

15 A Uh-huh.

16 Ms. Holmes. Is counsel good?

17 Mr. Levy. Yes.

18 Ms. Holmes. Okay.

19 BY MS. HOLMES:

20 Q On the first page, this is a calendar invitation which appears to be from the
21 Administrator's schedule. It is August 9th, 2021.

22 At that time, you were still the Deputy. Is that right?

23 A That's correct.

24 Q Okay.

25 At 3:30 p.m., it says, "OFO All Hands with Administrator Guzman." Were you

1 aware of that meeting?

2 A I don't recall that meeting.

3 Q Okay. How often do all-hands meetings occur with the Administrator?

4 A We attempt to do townhalls with the agency generally about quarterly.

5 This is described as an OFO all-hands. "OFO" is the abbreviation used for the Office of
6 Field Operations. I don't know that we had a regular cadence for that. There may be
7 one that I'm not aware of.

8 Q Okay. For OFO, or Office of Field Operations, is there a distinction between
9 an all-hands meeting and a townhall?

10 A I don't know. Sorry. They might know.

11 Q For any other office, is there a distinction between an all-hands and a
12 townhall?

13 A I've seen the terms used somewhat interchangeably.

14 Q Okay.

15 A Offices may make distinctions, but I'm not aware of any consistent one
16 utilized at the office.

17 Q Okay. What are the townhalls used for?

18 A The agency-wide townhalls?

19 Q The townhalls that you were referring to.

20 A Yeah, I was referring to the agency-wide townhalls.

21 Q Okay.

22 A They're used to thank employees for their service. We like to display who's
23 done 30, 35, 40, 45 years of service, things like that. The last time, we actually had
24 somebody who was 50.

25 Q Wow.

1 A And we also use them for office heads to give presentations about things of
2 note that they've been doing. And then sometimes the Administrator or the office
3 heads or some senior leaders will take questions.

4 Q Have the office heads of OFO given a presentation on voter registration at
5 those townhalls?

6 A Not to my recollection, no.

7 Q Have they given a presentation on Executive Order 14019 at those
8 townhalls?

9 A Not to my recollection. But I'm sure I've missed some townhalls.

10 Q It happens.

11 We can turn the page. On the backside of the first page, it's August 17, 2021,
12 and it shows that the Administrator traveled to Detroit, Michigan. So you can see on
13 here, she departs for the airport, arrives, flight.

14 The morning after her return to D.C. is August 19th, I believe. So she returned
15 on -- yeah. Sorry.

16 Okay. On August 19, 2021 -- this is the third page in the packet that I handed
17 you -- or, I'm sorry, the second page of the packet, the third calendar invite -- the
18 Administrator had three notable meetings. The first one was at the White House, the
19 second was with you, and the third was with Scott Harriford, the former White House
20 Liaison.

21 Do you remember August 19, 2021, as it relates to this calendar?

22 A No, I don't have a memory of that date as it relates to this calendar.

23 Q Okay.

24 So, on the back page, it says, "3:00 PM - 3:15 PM, Check-in with Arthur."

25 You don't have any specific memory of this one?

1 Mr. Fishman. I'm sorry, which page? I apologize. I'm trying to follow along.

2 Ms. Holmes. That's okay. It's the fourth calendar invite, back of the second
3 page.

4 Mr. Fishman. So it's numbered 81.

5 Ms. Holmes. Yes.

6 Mr. Fishman. Thank you.

7 Mr. Plews. I don't. August 19th is my birthday.

8 BY MS. HOLMES:

9 Q Oh, fun.

10 A It's possible this was a "happy birthday." But I don't remember. I'm
11 sorry.

12 Q That's okay.

13 And then, on the very last page, on the back -- the number at the bottom is 94 for
14 those following along -- it's August 23, 2021, and it says, at 1:00, "The Future of Field
15 Operations."

16 Do you remember that meeting?

17 A No, I don't.

18 Q Okay.

19 For this trip that she had gone on to Detroit, do you remember that trip in August,
20 the Detroit trip?

21 A I don't remember that trip.

22 Q So you weren't on that trip presumably?

23 A Nope, not to my recollection.

24 Q No birthday trip to Detroit?

25 Mr. Fishman. That was a different day.

1 Ms. Holmes. You're right. She got back on your birthday.

2 Ms. Beca-Barragan. Are we back on August the 19th.

3 Mr. Fishman. Yes, apparently.

4 BY MS. HOLMES:

5 Q Okay. At the bottom of the page 79 -- so that's the second page in the
6 packet -- Thursday, August 19th, your birthday, there was a meeting at the White House.

7 Do you remember that meeting?

8 A No, I don't.

9 Q Okay.

10 Oh, I had one more question -- sorry -- about the quarterly townhalls. To the
11 best of your knowledge, was voter registration ever discussed at any one of those?

12 A Not to my knowledge.

13 Q Okay.

14 The next two exhibits we're going to introduce are 11 and 12.

15 [Plews Majority Exhibit No. 11

16 was marked for identification.]

17 [Plews Majority Exhibit No. 12

18 was marked for identification.]

19 BY MS. HOLMES:

20 Q Let me distribute them. The first one I hand you will be 11; the second one
21 will be 12.

22 So exhibit 11 is a calendar entry showing that, a week after the strategic
23 implementation plan was due at the White House, Administrator Guzman interviewed
24 Jennifer Kim to be the Assistant Administrator for the SBA's Office of Field Operations.
25 So this is September 30, 2021.

1 Exhibit 12, just to introduce it, is the bio that is on SBA's website of Ms. Jennifer
2 Kim.

3 So, looking at exhibit 11, the calendar entry, were you aware that the
4 Administrator was interviewing Ms. Kim this day?

5 A No, I don't recall being aware of that.

6 Q Okay. Just for continuity, Verratti was in Jennifer Kim's position, and then
7 Jennifer Kim interviewed to replace her, right?

8 A Jennifer Kim holds the position that Julie Verratti once did.

9 Q Okay. To the best of your recollection, do you remember why Verratti left
10 the SBA?

11 A I don't know why Julie left.

12 Q So you weren't aware that the Administrator was interviewing Ms. Kim, but
13 were you aware that someone was being interviewed or the hiring process was underway
14 for a replacement for Ms. Verratti?

15 A Sorry, I don't recall if I was or wasn't aware of that at the time.

16 Q Okay. Did you interview anyone for that position?

17 A Don't recall doing so.

18 Q Do you, as either Deputy or Chief of Staff, interview people for positions?

19 A As Deputy Chief of Staff, I typically would not unless the person was
20 reporting to me, but I may have done so occasionally.

21 Q Okay.

22 A As Chief of Staff, if the position is going to go report to me, I typically would.
23 And if the position is a political appointee, I usually but not always will.

24 Q Is Ms. Kim a political appointee?

25 A Yes.

1 Q But you didn't interview her?

2 A No, not to my recollection. Remember, I was Deputy Chief of Staff at this
3 time.

4 Q Right.

5 Looking at exhibit 12, have you seen Jennifer Kim's bio that's posted on the SBA's
6 website before?

7 A I think I've looked at it briefly.

8 Q I'll give you a minute to read through it so you have a better recollection.
9 To the best of your recollection, when did you first meet Ms. Kim?

10 A The first time I recall meeting Jen, we had coffee -- and I can't recall if we
11 were actually having coffee or if it was just a sort of a "let's catch up" sort of
12 meeting -- outside the SBA.

13 Q "Let's catch up," does that mean you guys knew each other before?

14 A No, sorry, that was a figure of speech --

15 Q Okay.

16 A -- meaning, you know -- a coffee chat being a euphemism for "let's have a
17 conversation."

18 Q Okay.

19 A That was the first time that I recall meeting her.

20 Q Do you remember your position at the time?

21 A I apologize, I don't recall if I was Deputy Chief of Staff or Chief of Staff at the
22 time we first met.

23 Q Okay. Do you recall when she was brought on?

24 A I don't. I'm sorry.

25 Q Okay.

1 A Is it in this?

2 Q No.

3 A Oh.

4 Q No, sorry. I was reacting to the --

5 Mr. Levy. There's a lot of background noise in some other rooms.

6 BY MS. HOLMES:

7 Q I'm going to read the second paragraph of the bio that's posted on the
8 website.

9 "She," referring to Ms. Kim, "has worked for over 15 years to strengthen
10 communities and advocate for the public interest. She started her career as a
11 stakeholder engagement specialist serving as a campus organizer, where she recruited
12 and trained student leaders to manage campaigns to increase renewable energy
13 standards, reduce plastic waste, and worked on her efforts to make higher education
14 more affordable. Jennifer directed the New Jersey Public Interest Research Group for
15 four years, where she led campaigns in support of toxic-free communities, affordable
16 health care, and consumer protections. She has dedicated many years to increasing
17 voter registration in communities of color as well as promoting youth civic engagement.
18 More recently, she worked to strengthen ties between underserved communities and the
19 public health system...."

20 To the best of your knowledge, does Ms. Kim have any experience with small
21 businesses?

22 A I'm not aware of whether Jen has professional experience with small
23 businesses, no.

24 Q Okay. Everything in her bio that I just read through, which is the main body
25 of it, discusses her campaign work, her work on increasing voter registration in

1 communities of color. It doesn't mention anything about small-business experience.

2 Do you find that odd?

3 A No, not necessarily. Many of our employees don't have any particular
4 background with small businesses before they join the agency.

5 Q In the Office of Field Operations, is it important to have a good
6 understanding of what small businesses face?

7 A I think it's important to be good at outreach and be good at working with the
8 public.

9 The Office of Field Operations doesn't set policy, for the most part, for the agency,
10 and so it's not necessary, really, to have deep policy expertise when it comes to small
11 business in that office, but important to have good communication skills.

12 Q Okay. And as far as you've worked with her since her hiring, has she
13 exhibited good communication skills?

14 A I believe so. I haven't seen Jen too often in public, but I have no reason to
15 think that she has not.

16 Q Okay. She also went to the University of Michigan for her undergraduate.
17 Did that, as far as you know, have anything to do with her gaining the position at the
18 Office of Field Operations?

19 A Not to my knowledge.

20 Q We're going to jump forward to December of 2021. At that time, you were
21 still the Deputy, right? We went over that.

22 A Yes, that's correct.

23 Q And you transitioned in January of '22?

24 A I believe it was in May of '22.

25 Q Oh, May of '22. Sorry.

1 A But I'm not certain of that. But that's my --

2 Q -ish.

3 A -- that's my understanding.

4 Q Okay.

5 [Plews Majority Exhibit No. 13
6 was marked for identification.]

7 BY MS. HOLMES:

8 Q I'm going to introduce what we marked as majority exhibit 13. This is a
9 series of calendar entries dated from December 1st through 13th, 2021.

10 We'll start on the first page, December 1st, 2021.

11 Mr. Fishman. Again, it's a portion, just to be clear. There are cutouts, and
12 there are dates missing, there's all kinds of -- right.

13 Mr. Eckhardt. Yes. These are selective just based on what's relevant for the
14 questions.

15 Mr. Fishman. I just want to be clear, it's not cumulative, it's just whatever you've
16 identified.

17 Mr. Eckhardt. Right.

18 Ms. Holmes. Yes. And the committee did ask for the Administrator's calendar,
19 so if we get them and can fill in the blanks for you guys, would love to do so.

20 BY MS. HOLMES:

21 Q So, on December 1st, 2021, it says, "Arthur re: FY22 Priority Projects."

22 Do you recall this meeting in December?

23 A I don't. Sorry.

24 Q Do you have annual priority project meetings with the Administrator?

25 A Do I personally have annual priority project meetings with the

1 Administrator?

2 Q Uh-huh.

3 A No.

4 Q Okay.

5 A I'm trying to think -- sorry -- if anything would be classified that way.

6 We have in the past discussed priorities for years, and I've been in meetings about
7 that.

8 Sorry, I understood your question to be, do I meet annually with the Administrator
9 about priority projects? I have had meetings with the Administrator about priorities
10 associated with years, yes.

11 Q Okay.

12 At this time, you said you were still the Deputy. You didn't become Chief until 6
13 months later. Was it odd that you were meeting with the Administrator for priority
14 projects and not the current Chief?

15 A Well, I don't recall what the meeting was about, but, no, I don't think that's
16 particularly odd.

17 Q Okay. Well, it's about fiscal year 2022 priority projects, according to the
18 invite.

19 So for -- we'll classify it. What are priority projects?

20 A Well, in this particular context, since I don't remember this meeting, I
21 couldn't say for sure. But as a general matter, they would be, if we're talking about
22 Administrator priority projects, it'd be things the Administrator wants to accomplish.

23 Q Do you remember any of the fiscal year 2022 priority projects?

24 A No, I'm sorry, I don't.

25 Q You don't remember any priorities from fiscal year 2022?

1 Mr. Plews. Okay.

2 BY MS. HOLMES:

3 Q Had you seen this press release prior to me handing it to you?

4 A It's possible. I don't recall it specifically.

5 Q Okay.

6 As I mentioned, at the top of this document is the SBA's priorities from the prior
7 year. So this was on January 1st, 2022, so presumably that would be for Jan- -- well, the
8 year prior, so 2021.

9 Are these the kinds of things that you would discuss with the Administrator about
10 priorities?

11 Mr. Levy. Sorry. Can you rephrase the question? When you say "these" --

12 BY MS. HOLMES:

13 Q Are the things that are in this press release, are these the kinds of things that
14 you would discuss with the Administrator about the SBA's priorities?

15 A Some, but not all.

16 Q Can you tell me which ones?

17 A Sorry. Which ones we did discuss --

18 Q Uh-huh.

19 A -- or which ones we didn't discuss?

20 Q Whichever you prefer.

21 A At this time, I don't remember discussing much about SBICs with her.

22 Q Okay.

23 A Bandwidth was heavily consumed at that time by the pandemic emergency
24 programs, so they're listed first.

25 Q Uh-huh.

1 A I don't remember discussing National Small Business Week or Veterans Small
2 Business Week or the Inaugural Innovation Ecosystem Summit.

3 I can't remember if we discussed the Women's Business Centers expansion.

4 A lot of these are stats, so they wouldn't have required much discussion.

5 Mr. Levy. Is there something in particular here that you want to ask him about.

6 Mr. Plews. Yeah, I think we can make it -- I don't recall discussing the -- is there
7 something specific?

8 BY MS. HOLMES:

9 Q Yeah. I just want to know -- because you had this priority projects meeting,
10 I was trying to refresh your recollection of perhaps maybe some things that would have
11 been discussed at a priorities meeting with the Administrator.

12 A Is there something specific?

13 Q How about Administrator Guzman's equity goals? Do you remember
14 discussing those?

15 A Ever?

16 Q Yeah.

17 A And by "equity goals," are you referring to --

18 Q The --

19 A -- objective with any implementation of specific programs or --

20 Mr. Levy. Where are you within the document.

21 Ms. Holmes. It's the fourth page of the press release, so second physical page,
22 back.

23 Mr. Levy. Wait. Sorry. Which page.

24 Ms. Holmes. Second physical page, but the back of it.

25 Mr. Fishman. Page 4.

1 Ms. Holmes. So page 4, yeah.

2 Mr. Levy. Got it. And --

3 Ms. Holmes. "Executed on President Biden and Administrator Guzman's Equity
4 Goals."

5 Mr. Plews. I don't recall discussing these statistics, though we may have.

6 BY MS. HOLMES:

7 Q What were her equity goals, as far as you know?

8 A Broadly, the agency, I believe, is statutorily mandated to serve underserved
9 communities, which is referenced in the intro language under this section. I'm not
10 aware of specific equity goals beyond that, but it's generally a piece of the agency's
11 mandate.

12 Q Okay.

13 A I recall some discussions about disaggregated data.

14 I don't recall discussing diversification strategies for contracting.

15 We did at times talk about the RRF, of course --

16 Q Sure.

17 A -- and about COVID-EIDL-affiliated pro- -- affiliated Targeted and
18 Supplemental Advance programs.

19 I don't know that we ever discussed elevating the Office of Women's Business
20 Ownership. I don't recall doing so.

21 I don't recall discussing a reconvening of the Council on Underserved
22 Communities.

23 I do recall discussing a focus on particularly small businesses and relief programs.

24 I don't recall if we discussed any of these at the FY '22 priorities meeting from the

25 calendar, because I don't recall that meeting. I'm speaking now about what I recall

1 talking with the Administrator about in this general timeframe --

2 Q Yeah.

3 A -- of early 20-- well, I guess, while I was Deputy Chief of Staff.

4 So that's that section.

5 Q Okay.

6 A Oh, I do recall the Community Navigator Pilot Program. Uh-huh.

7 Q Okay.

8 On the second-to-last page, right before "Media contacts," the page right before
9 that, it notes "protecting the basic right to vote."

10 Do you remember talking about that with the Administrator?

11 A I don't. It doesn't mean I didn't, but I don't recall talking about it.

12 Q And then the first not-bolded paragraph on that page: "... the SBA is
13 strongly positioned to deliver on President Biden's commitment to equity in 2022."

14 You said you remember talking about equity. As part of that, did you understand
15 voting registration to be attached to equity?

16 A I don't recall talking about voter registration. Speaking logically, I'm not
17 sure if it would be or wouldn't be, but I don't recall talking about it in that context.

18 Q Do you recall talking about voter registration with the Administrator at all?

19 A Not outside of the updates from Congressional and Legislative Affairs about
20 the committee's interest in the topic.

1 [1:27 p.m.]

2 BY MS. HOLMES:

3 Q Do you know what the SBA's mission is?

4 A Yes. It's rather broad, but conceptually, the mission is to serve small
5 businesses.

6 Q Do you think that voter registration fits into that mission?

7 A I do.

8 Q How so?

9 A Two ways: The National Voter Registration Act applies to the SBA, and that
10 Act does call on the Federal Government to play a role in voter registration. We're also
11 subject to the executive order. But also, I think part of our role is to ensure that good
12 public policy gets made for small businesses, and part of making good public policy is for
13 the interest of the people who are being affected by it to be part of the democratic
14 process. So, if small business owners vote, that's presumably a good thing for small
15 business policy.

16 Q Going back to exhibit 13, the calendar invites. So you don't remember your
17 priority projects meeting. A few days later, Administrator Guzman attended the
18 meeting at the White House on Monday, December 6th. So it's the second page, the
19 page number at the bottom is 19.

20 Mr. Levy. December 6, 2021?

21 BY MS. HOLMES:

22 Q Yes. At noon, it says, she's arriving at the White House. Do you
23 remember this meeting?

24 A I don't. I'm sorry.

25 Q Later that day -- it's on the next page, page 21. It says, "prep address for

1 OFO field team." Do you remember that?

2 A I don't.

3 Q How often does the Administrator meet with each agency head -- office
4 head, sorry, SBA office head?

5 Mr. Levy. To the best of your knowledge.

6 Mr. Plews. To the best of my knowledge, it's currently cadenced as somewhere
7 between once a week and once a month. That's the cadence of the meeting. As I have
8 said with all meetings, I would estimate that it probably happens a little bit less than that
9 in practice.

10 BY MS. HOLMES:

11 Q Sure. We talked about OFO all-hands meeting earlier. And there's
12 another one on this same page, Monday, December 6th. Do you remember that
13 all-hands meeting?

14 A This is a prep for address that were for field team on the 6th? Is that the --

15 Q It's literally the next one. So she prepped for it and then addressed the
16 field team?

17 A Oh, sorry. Oh, I apologize.

18 Q Do you remember that?

19 A No, I don't.

20 Q Were you ever involved for preparations for her addressing internally office
21 heads?

22 Mr. Levy. As Deputy Chief of Staff?

23 BY MS. HOLMES:

24 Q Yeah, at this time.

25 A So, I don't know that you would ever address office heads, as that's usually

1 just one person, so that would probably be more of a meeting. Are you asking if I was
2 ever involved in preparing for all hands?

3 Q Yeah.

4 A I don't recall being involved in that, but I could've been. But no, I don't
5 recall doing so.

6 Ms. Holmes. Okay. I think we're at time, right?

7 Mr. Albrecht. Yes.

8 Ms. Holmes. Ellen, do you -- we can go off the record.

9 [Discussion off the record.]

10 Ms. Holmes. Can we go back on the record for a second? Mr. Plews' attorney
11 had a question he wanted to ask.

12 Mr. Levy. Great. Thank you.

13 Mr. Plews, when the Administrator is going to travel outside of Washington, D.C.,
14 what is the SBA's standard practice with regard to Members of the House or Senate?

15 Mr. Plews. The agency standard practice would be to notify the Members of the
16 House or Senate that are in the geography to which the Administrator is traveling, and
17 that, meaning the congressional district for a House Member, the State for a Senator, and
18 that would be done regardless of the party of the Member involved.

19 Mr. Levy. Thank you.

20 Ms. Holmes. We can go back off the record.

21 [Recess.]

1 [2:09 p.m.]

2 BY MS. HOLMES:

3 Q All right. The time is 2:09. We can go back on the record.

4 To start off, we are going to introduce exhibit 15. This is a fact sheet put out by
5 the White House on December 8, 2021. Have you seen this fact sheet before,
6 Mr. Plews?

7 A I don't recall seeing this fact sheet before. It's possible that I have.

8 Q Okay. Do you recall the White House making the statement that the SBA
9 was the first Federal agency to request designation as a voter registration agency under
10 the NVRA?

11 Mr. Levy. Objection. Foundation. But go ahead.

12 Mr. Plews. I don't recall the White House making that statement.

13 Ms. Holmes. Were you aware that the SBA was the first Federal agency to
14 request a designation as a voter registration agency under the NVRA?

15 Mr. Levy. Same objection, but go ahead.

16 Mr. Plews. I'm not aware if that is true. I did read that in the press release that
17 you showed me earlier today.

18 BY MS. HOLMES:

19 Q And you said, to the best of your knowledge, the only two other States that
20 the SBA has engaged with on voter registration are Kentucky and Ohio?

21 Mr. Levy. I --

22 Mr. Fishman. Objection. I don't think he testified -- I'm sorry, go ahead, Josh.

23 Mr. Levy. No, go ahead.

24 Mr. Fishman. I don't believe he testified to that. I think he --

25 BY MS. HOLMES:

1 Q Okay. Can you correct me, what were the two States that you said? Oh,
2 Utah and Kentucky.

3 A I don't know if the agency has engaged with those States or not. We -- I
4 was advised in the past that we had an interest in potentially expanding to those States,
5 and the States that I mentioned were Utah and Kentucky.

6 Q So potentially, interested in expanding to those States. How do you know
7 that?

8 A I don't recall who first told me that.

9 Q To the best of your recollection, have those States been contacted, or the
10 best of your knowledge?

11 A I'm afraid I'm not sure.

12 Q Do you know who Victor Parker is?

13 A Yes.

14 Q Can you tell me who he is?

15 A He's the Deputy Associate Administrator of our Office of Field Operations.

16 Q How often do you meet with him?

17 A Victor and I have no recurring one-on-one meetings at this time, that I can
18 recall. I would say infrequently. I have been in meetings with Victor in the past, but
19 I'm not aware of him being part of any regularly scheduled meetings that I attend.

20 Q Okay. Does he have any regularly scheduled meetings with the
21 Administrator?

22 A Not that I'm aware of.

23 Q Okay. Does Jennifer Kim have regularly scheduled meetings with the
24 Administrator?

25 A Yes, she does.

1 Q And you said those were on a weekly?

2 A I don't know if they're weekly or biweekly.

3 Q Okay.

4 A Meaning every 2 weeks.

5 Q The Region 5 administrator, Geri, do you know if he has regular meetings
6 with the Administrator?

7 A Geri is a her.

8 Q Sorry, she.

9 A I don't know of any regular meetings between Geri and the Administrator,
10 and given her role, I don't think any such meetings regularly occur, but I'm not sure.

11 Q And we asked this earlier, you don't have any regularly scheduled meetings
12 with any of the regional administrators, including Geri, right?

13 A They are -- they have, in the past, been invited to a monthly all-appointees
14 meeting, which I attend. They weren't invited to the last one because we did it in
15 person only and they're not in person. Not sure if they will be in the future. A decision
16 hasn't been made.

17 Q Okay. These monthly all-appointee meetings, what are the purpose of
18 those?

19 A They are used for a variety of purposes. Purposes can include advising our
20 appointees about who has left or joined our appointee team, so new hires and
21 departures. I have used them in the past to remind people of the importance of the
22 Hatch Act. We have -- let's see. I'm trying to recall another topic from our most recent
23 one. I apologize, I can't, but items of note typically shared by me or by our White House
24 liaison.

25 Q Are any careers at those meetings?

1 A Typically not, no.

2 Q Okay. You said you recently reminded them about Hatch Act.

3 A Uh-huh.

4 Q Can you tell me what you told them?

5 A Yeah. We recently had a Hatch Act training, as we've discussed here,
6 performed by our Office of General Counsel. I reminded them that if any of them had
7 been unable to attend that training, I'd like them to do a makeup training.

8 Q Do you remember when that was?

9 A The monthly appointees meeting?

10 Q Uh-huh.

11 A I don't exactly. Within the last few weeks.

12 Q Last few weeks. Does it have anything to do with the ongoing OSC
13 investigation into Hatch Act violations at the SBA?

14 Mr. Fishman. Objection.

15 Mr. Albrecht. On what grounds?

16 Mr. Fishman. No foundation.

17 Ms. Holmes. OSC communicated to the committee yesterday that there was an
18 active and ongoing investigation at the SBA for a potential Hatch Act violations. Are you
19 aware of that investigation?

20 Ms. Meers. Could we take a pause, Lauren. It's OSC policy neither to confirm
21 nor deny the existence of an investigation, and I'd like to maintain the integrity of a
22 possible investigation.

23 Ms. Holmes. So OSC told us that the investigation is -- exists and is ongoing and
24 we are free to talk about it. So you can instruct him not to answer, but there's --

25 Ms. Meers. I'm not instructing him not to answer --

1 Ms. Holmes. Okay.

2 Ms. Meers. -- but I'd like to maintain the integrity of a possible investigation.

3 Ms. Holmes. Yeah. And congressional investigations don't prohibit discussing
4 ongoing investigations with OSC. They are done parallel, sometimes in tandem,
5 sometimes Congress investigates the investigation. So conversations between Congress
6 and the executive branch on OSC investigations are very much within our rights to ask
7 about.

8 Ms. Meers. I ask that you speak directly with OSC --

9 Ms. Holmes. I did.

10 Ms. Meers. -- and since you have a point of communication there, that you
11 continue that.

12 Ms. Holmes. Yes. I would like to know about his knowledge about the
13 investigation.

14 Ms. Meers. I think we should take a pause for a moment. Is it okay to step
15 outside?

16 Ms. Holmes. We can go off the record.

17 [Discussion off the record.]

18 Ms. Holmes. We can go back on the record.

19 BY MS. HOLMES:

20 Q So are you aware of a Hatch Act violation investigation by OSC?

21 A I received email correspondence from an OSC investigator.

22 Q Okay.

23 A He and I have not yet spoken.

24 Q Okay. When did you get that email?

25 A Sometime in the last couple of months.

1 Q Any more specific than that?

2 A I'm sorry, I don't -- I can't recall specifically.

3 Q Did you talk to anybody at the SBA about that email?

4 A Other than discussions with counsel or about the idea of just retaining
5 counsel, no.

6 Q Okay.

7 A Not that I can recall.

8 Q So you didn't talk to the Administrator about it?

9 A Not that I can specifically recall at this time. It's possible, but I can't recall
10 doing so.

11 Q Is this the first time you've received a Hatch Act investigation email from the
12 OSC?

13 Mr. Levy. I don't know that it was a Hatch Act email.

14 Ms. Holmes. I'm sorry. Is this the first time you've received correspondence
15 from the OSC about a potential investigation into Hatch Act violations?

16 Mr. Levy. I don't know that it was an OSC email about a Hatch Act violation,
17 but --

18 BY MS. HOLMES:

19 Q Is this the first time you've received an email from OSC?

20 A Yes, this is the first time I can recall receiving an email from OSC.

21 Q How did you feel when you got it?

22 Mr. Levy. I don't think we're here to talk about his feelings, but if you want to
23 answer --

24 Ms. Holmes. It speaks to his state of mind, so I think it's a fair question.

25 Mr. Plews. I don't recall.

1 Mr. Levy. Objection.

2 BY MS. HOLMES:

3 Q All right. As far as you know, in that email or any of the following
4 correspondence, was a potential Hatch Act violation brought up?

5 A I'm sorry, I'm having trouble recalling the specifics of the email sent to me.

6 Q Okay.

7 A I don't think I could say.

8 Q Okay. But it was an email about a potential investigation?

9 A Correct.

10 Q Okay. Do you regularly meet with the SBA resource partners?

11 A Just to confirm we're using the same definition, by "resource partners," you
12 mean the networks of nonprofits that are funded by the SBA --

13 Q Yes.

14 A -- such as SBDC'S?

15 Q Yep.

16 A No, I don't regularly meet with resource partners. I have in the past met
17 with at least one that I can recall.

18 Q Which one?

19 A I met with an SBDC, or staff from an SBDC, in either Massachusetts or New
20 Hampshire.

21 Q Okay. As far as you are aware, does the Administrator regularly meet with
22 resource partners?

23 A Hmm, I don't know if the Administrator regularly meets with resource
24 partners, no, I'm sorry, I don't know.

25 Q Have you ever been at a meeting with the Administrator and resource

1 partners?

2 A Not that I can recall.

3 [Plews Majority Exhibit No. 16
4 was marked for identification.]

5 BY MS. HOLMES:

6 Q We will go to Plews Majority Exhibit 16. This is an email chain between
7 Victor Parker, who we discussed earlier, and Jonathan Brater. He is the director of
8 elections for the State of Michigan. This email is dated between August 9th and
9 September 14, 2023. The email chain indicates that Mr. Parker took a trip to Detroit,
10 Michigan, and met with Mr. Brater at the SBA field office on August 25, 2023, to discuss
11 voter registration plans. Before I handed you this document, were you aware of this
12 email?

13 A No, I don't recall this email.

14 Q Okay.

15 Mr. Levy. He's not on it.

16 BY MS. HOLMES:

17 Q Correct.

18 A Sorry, I don't recall being aware of this email.

19 Q Okay. Were you aware of Mr. Parker's trip to Detroit in August of 2023?

20 A No, I was not -- I don't recall being aware of a trip by Mr. Parker to Detroit in
21 August of 2023.

22 Q Okay. Do you often track the visits and/or trips of associate administrators
23 or their deputies?

24 Mr. Levy. Mr. Plews personally?

25 BY MS. HOLMES:

1 Q Yes.

2 A No, not often.

3 Q Are there instances where you would be aware of such trips?

4 A Yes.

5 Q Can you explain what those instances would be?

6 A If they preemptively reached out to inform me about it or ask me about it.

7 Q Are you aware of trips by any associate administrator or deputy associate
8 administrator to Michigan in the last year?

9 A Nothing is coming to mind beyond the trip by Mr. Parker that you just made
10 me aware of, which, apologies, I'm not seeing a date. Was it within last year?

11 Q It was August of 2023.

12 A So, okay, yeah. No, no others that I can recall at this time.

13 Q Okay. We talked about the MOU a little bit earlier. As far as you know,
14 has the SBA conducted any activities under this -- that MOU?

15 Mr. Levy. This is exhibit --

16 Mr. Albrecht. 4 and 5.

17 Mr. Eckhardt. 4 and 5.

18 Mr. Levy. MOU is exhibit 5, right?

19 Ms. Holmes. Yeah, the memorandum of understanding is 5; the memorandum
20 of agreement is 4.

21 Mr. Levy. Do you want to repeat the question?

22 Ms. Holmes. Yeah, you can take a minute and refresh your recollection, and
23 then I will repeat the question.

24 Mr. Fishman. I'm sorry, did you say the MOA was 4, right?

25 Mr. Levy. No. Yeah, MOA is 4; MOU is 5.

1 Mr. Fishman. I just want to make sure. Not that it matters since I'm giving
2 these back apparently, but yes.

3 Ms. Holmes. We always recollect them.

4 Mr. Plews. You can repeat the question.

5 BY MS. HOLMES:

6 Q Okay. As far as you know, has the SBA conducted any activities under this
7 MOU to date?

8 A My understanding is that a URL has been created, I don't know if by SBA or
9 by Michigan, that directs to Michigan's voter registration page or voter registration
10 information of some type. My understanding is that URL, although created, is not yet
11 publicly posted on any other public website. That's the only activity that I'm
12 immediately seeing listed in the MOU that I'm aware has taken place so far, but there
13 may be others, or I may be missing something in my quick review here.

14 Q Okay. Are you generally aware of the SBA's responsibilities under the
15 MOU?

16 A I have a high-level understanding of those responsibilities, not a detailed
17 one.

18 Q Okay. So you talked about the URL. You said it's been created but not
19 publicly posted. How did you learn that the URL was created?

20 A Hmm, I first heard that during a hearing held by the committee, I believe last
21 week, and it was confirmed to me by agency staff later.

22 Q Okay. How do you know it's not publicly posted?

23 A That I was told by agency staff.

24 Q Okay. Did they tell you when they planned to publicly post it?

25 A No, not that I recall.

1 [Plews Majority Exhibit No. 17
2 was marked for identification.]

3 BY MS. HOLMES:

4 Q Okay. We're going to introduce March 19th press release from SBA. This
5 will be Majority Exhibit 17. We'll give you a minute to look through it.

6 A Okay.

7 Q Had you seen this press release prior to me handing it to you?

8 A I may have. I don't recall at this time.

9 Q How far in advance of this press release were you made aware that the SBA
10 and Michigan had entered into an MOU?

11 Mr. Levy. Objection. Foundation. But go ahead.

12 Mr. Plews. I don't know that they had entered into the MOU prior to this press
13 release. I'm not aware of the date. I could consult the MOU, if you'd like.

14 Ms. Holmes. We're going to go off the record real quick.

15 [Discussion off the record.]

16 Ms. Holmes. Okay. We can go back on the record.

17 I'd like to note for the record that the Representative from Pennsylvania, Dan
18 Meuser, has come in and would like to give a statement, as well as his staff member, Matt
19 Perricone.

20 Mr. Meuser, go ahead.

21 Mr. Meuser. Okay. So I shall read this, and I wrote it so I may riff a little.

22 This is Congressman Dan Meuser, a Member of the U.S. House of Representatives,
23 representing the Ninth Congressional District of Pennsylvania, and a Member of the
24 House Committee on Small Business. I'm here today due to what we think is the serious
25 nature of the issue the committee has requested Mr. Plews' presence to discuss.

1 During a time where our Nation's small business owners are struggling with
2 inflation and regulations and workforce shortages and difficulty accessing capital, the
3 agency, the one agency supposedly dedicated to their support in Washington, the SBA, is,
4 in our view, using very valuable taxpayer-funded resources to further the political
5 campaign of President Biden and other members of the Democrat parties in Congress.

6 On March 19, 2024, the SBA entered in a new voter registration memorandum, we
7 all know as MOUs, with the Michigan Department of State to help facilitate voter
8 registration in the State of Michigan. The next day, during a hearing where this
9 committee was conducting oversight of the SBA, other members of the committee and I
10 expressed concerns about the, what one could feel is suspicious timing and location of
11 the initiative and whether the SBA is acting outside of its mission, and a potential
12 violation of the Hatch Act to inappropriately influence the election prospects of the
13 President.

14 During the hearing, I asked Administrator Guzman after, frankly, learning about
15 this from Representative Stauber in his previous questioning, every email and every
16 official correspondence, as I asked Administrator Guzman, could be forwarded to me,
17 every email and every official correspondence related to this MOU and the activities in
18 Michigan could we receive, and anything related to registering voters. And her
19 response, and I recall, was affirmative, that, yes, certainly that would be provided.

20 So 11 weeks later, the SBA has failed to sufficiently respond to this request. The
21 committee did follow up with a letter on April 4th requesting similar documentation but
22 only a select few documents were provided, and that was after several weeks of delay.
23 So, of course, it begs the question, why the delay? Why not provide the documentation
24 requested? If this was an up-and-up MOU that they were -- you know, was done for
25 matters within the scope of the SBA, it should be made a public record, and there should

1 be nothing to hide.

2 Adding to our suspicion is the hiring of Jennifer Kim as the SBA's associate director
3 of field operations in March 2022, 3 months after the SBA began negotiating the
4 agreement with Michigan. As anyone can see from Ms. Kim's bio on the SBA website,
5 Ms. Kim has no small business experience, which is -- can be found from the website and
6 from our review, but she does have ties to Michigan and a background in campaigns of
7 very well-known Democrats and voter registration efforts, including work on Hillary
8 Clinton's and Joe Biden's presidential campaigns.

9 So it is a little bit alarming that the SBA boasts on its website about hiring
10 someone and expressing no relevance or any, actually, small business experience.

11 So it begs the question, who hired Jennifer Kim and why? What small business
12 credentials does she have? What small business experience does she have? I
13 personally, and as a Member of Congress and as Member of the SBA Small Business
14 Committee, would like to know, on behalf of the small businesses that we advocate for
15 and represent, and fight for, why Jennifer Kim was hired at \$183,100 to work at the SBA?

16 I would like to see her job description. For someone with no small business
17 experience, only experience in political organizing and campaigns, again, what is her job
18 description? I doubt the answer is to register voters for Joe Biden, but that seems to be
19 what her background is, and this has no positive effect on small businesses, and it's
20 potentially illegal, an illegal use of taxpayer dollars. So we do -- we will continue this.
21 So before this is over, we will find out what Jennifer Kim does for the SBA and small
22 businesses and who hired her and why.

23 So as we all know, this entire situation worsened on April 17th when one Tyler
24 Robinson, senior advisor -- big title -- at the SBA was on camera admitting that the SBA
25 and Administrator Guzman were being used as a de facto campaign arm for President

1 Biden's reelection. When asked if Guzman, Administrator Guzman was indirectly
2 campaigning for Biden, Robinson responded, "Yes." When asked if Guzman was, again,
3 Administrator Guzman, was going to these critical background States and basically
4 campaigning for President Biden, Robinson again responded, "Yeah."

5 So he added, "Any time we go, we try to visit a Member of Congress if they're a
6 Democrat because then we can help them get reelected as well. The White House was
7 like, yes, go. Don't invite the other Senator because he's a Republican, and don't invite
8 the two Members of Congress because they're Republicans." So these comments reveal
9 the SBA's -- seem to reveal, shall we say, the SBA's partisan motives, and make its
10 involvement in voter registration even more concerning.

11 Despite his salient commentary on video, Mr. Robinson claims he did not know
12 anything about the partisan nature of these activities and was only trying to impress a
13 date, I was informed. So let's say he was just trying to impress a girl. He didn't say he
14 was an astronaut. He didn't say he was playing -- he was -- got a tryout with the
15 Yankees. What he described was exactly what we suspected was going on. So he
16 either knew about it and he was right, or he's some sort of profit.

17 So moving along, the committee has done its own investigation of these claims
18 and found that they do, in fact, have merit. I myself have personally experienced a lack
19 of involvement in visits from Administrator Guzman, even though in conversations I was
20 told, Oh yes, we'll be up in Pennsylvania. We'll be sure to notify you.

21 The Administrator visited Scranton, slightly outside my district, but no more than
22 8 miles from where I reside. Despite my proximity to the event and position on the
23 Small Businesses Committee, I read about it in the newspaper the next day and was not
24 made aware of the event. And really, really -- actually, no surprise, the record shows
25 out of the 31 SBA events held with Members of Congress -- all right, this isn't the data I

1 understood -- 27 were with Democrats and only four were with Republicans.

2 I was told it was 70 -- I thought it was three out of 73?

3 Mr. Perricone. Uh --

4 Mr. Meuser. Okay. Well, we'll double-check those numbers.

5 Mr. Levy. Who is the person who just spoke?

6 Mr. Meuser. His name is Matt Perricone.

7 Mr. Levy. Okay. I just want to make sure he's on record. Thank you, sir.

8 Mr. Meuser. Okay. Anyway, so the SBA's mission -- all right. If those are the
9 numbers, it's still minimal, four out of -- 27 Democrats, four Republicans, not exactly a
10 balanced approach. So the SBA's mission is to aid counsel, assist and protect small
11 business interests. The agreement with the Michigan Department of State, however,
12 aims to promote civic engagement and voter registration, which is drastically outside the
13 SBA's scope. This raised the question, why is the SBA involved in activities so completely
14 unrelated to its mission?

15 So, you know, during a time where our economy is weak and small businesses are
16 troubled, utilizing the limited taxpayer resources and time to advance partisan political
17 campaigns does show a disregard for our Nation's small business and gross administrative
18 malpractice, which concerns must be addressed and answered by the SBA, beginning with
19 officials directly involved, like Mr. Plews. Small businesses are at the heart of this -- of
20 the work we do in this committee, and it is appalling that we need to remind the SBA it is
21 their responsibility to do the same.

22 So we will continue to work with Chairman Williams and the other members of
23 this committee to thoroughly investigate this matter and ensure the SBA is fulfilling its
24 mission to aid counsel, assist and protect the interest of small business, not those of a
25 political campaign.

1 Ms. Holmes. And for the record, I just want to clarify the numbers that
2 Mr. Meuser was talking about. There's been -- from what the committee has been able
3 to find online, on Twitter, and through press releases, there have been a total of 80 trips
4 taken; 27 of those trips have invited a Democrat Member of Congress, and only four have
5 included a Republican Member of Congress. Just clarifying the stats.

6 Mr. Meuser. And if I can clarify --

7 Ms. Holmes. Yes, absolutely.

8 Mr. Meuser. -- Michigan visits were double that of any other State.

9 Ms. Holmes. It's been far, far more frequent trips to Michigan than other States.

10 Mr. Meuser. So we're not basing this on a recording of an individual whom, you
11 know, comes across as kind of unprofessional, we'll use that word. I mean, it is what it
12 is, so we're hoping that you stop it and come clean and focus on what the Small Business
13 Administration is supposed to do, because it's unbelievably offensive. That's all I have to
14 say.

15 Ms. Holmes. Okay. Thank you, Mr. Meuser.

16 The majority will continue questioning. So right before we went off the record,
17 we were talking about the press release for the MOU. You --

18 Mr. Levy. Exhibit 17?

19 BY MS. HOLMES:

20 Q This is exhibit 17, yep. Can you just clarify for me real quick, did you say
21 you couldn't remember if you had advance notice of the MOU, or you couldn't remember
22 when you were notified?

23 A What do you mean by advance notice?

24 Q When -- prior to the press release, did you get advance notice before it went
25 out the door?

1 A That the press release was going out?

2 Q Yes.

3 A No, I don't recall getting that.

4 Q Okay.

5 A I may have.

6 Q Did you have advance notice that the MOU had gone into effect or been
7 signed prior to this press release?

8 A Prior to the press release, no, I don't recall having notice of that prior to
9 March 19th.

10 Q So on March 19th you found out that --

11 A No. As I've said before, I don't know when I was first notified of the MOU
12 taking -- being signed.

13 Q But you can't remember if it was before or after the press release either?

14 A No.

15 Q Okay. We talked about the URL being the first part of the MOU of one of
16 the SBA's responsibilities. If you look in exhibit 17, we're on the second page, the fourth
17 paragraph. It says, "As part of the MOU, the MDOS will create a unique URL for the SBA
18 to use to drive online visitors to register to vote. The SBA's Michigan Field Office may
19 also allow MDOS, Michigan Department of State, officials to conduct in-person voter
20 registration at the SBA's small business outreach events." Were you aware of that part
21 of the MOU?

22 A The second sentence?

23 Q Yes.

24 Mr. Levy. The MOU is at exhibit 5 --

25 Ms. Holmes. Five.

1 Mr. Levy. -- if you want to look at it.

2 Mr. Plews. When you say was I aware, do you mean prior to you reading it to me
3 just now or --

4 BY MS. HOLMES:

5 Q Yes.

6 A -- or what's your timeframe reference?

7 Q Prior to me reading it to you.

8 A I'm sorry, I can't recall.

9 Q So you were made aware of the URL at some point?

10 A Yes.

11 Q But you don't remember being made aware of the second part, which was
12 MDOS officials attending in-person events?

13 A Correct.

14 Q Okay. Since you seem to know more about the URL, you can't recall when
15 you found out about it. Do you know where --

16 Mr. Levy. He did tell you already.

17 Ms. Holmes. Oh, you did?

18 Mr. Levy. Yeah.

19 Mr. Plews. Yeah, it was when I recall --

20 BY MS. HOLMES:

21 Q Oh, here was when you first heard about it.

22 A -- first hearing about the existence of the URL, meaning that it was active, or
23 live.

24 Q Live, okay. Do you recall when you first heard about URL being part of the
25 MOU?

1 A I had heard of the concept of a URL being part of this initiative prior to that
2 point, but I don't recall when I first was made aware that it was part of the --

3 Q Okay. Had you known about it for a couple of months? Is that fair to say?

4 A That would be fair to say.

5 Q Okay. A year?

6 A Potentially. There I don't know.

7 Q Okay. Do you know where the SBA plans to post the URL?

8 A My understanding is it will be posted on SBA.Gov.

9 Q What, the home page?

10 A That I don't know.

11 Q Okay. Will it be posted anywhere else?

12 A I also don't know that.

13 Q Okay. When we talked to Jennifer Kim a couple of weeks ago, she
14 mentioned that it might be included on brochures or handouts. Is that something that
15 you've heard?

16 A No, I don't recall hearing that before.

17 Q Okay. She also mentioned PowerPoints for presentations that the SBA
18 gives. Do you recall that?

19 A That the URL would be on PowerPoints?

20 Q At the last slide of a PowerPoint after a presentation by the SBA.

21 A I'm sorry, I can't recall if I'd heard that before or not.

22 Q If the URL has been created but is not active, how is it helping small
23 businesses register to vote?

24 A When you say it's not active, what do you mean?

25 Q You said it wasn't actively posted to the public.

1 A Yeah. So if it's been created but it's not posted on another website, how is
2 it helping small businesses register to vote? I would presume that it's not doing so yet.

3 Q Are you aware of any registration coming through that URL?

4 A No, I'm not aware of that.

5 Q Okay. The second part of the MOU, like we discussed, was MDOS officials
6 conducting in-person voter registration at SBA's small business outreach events. You
7 said, until I said it to you, you hadn't been made aware of that provision. Is that --

8 A To my recollection.

9 Q To your recollection, okay. So to the best of your knowledge, have any
10 events had in-person voter registration occur?

11 A To the best of my knowledge, no. To the best of my knowledge, the only
12 implementation step that could be characterized as externally facing is the existence of
13 the URL.

14 Q Okay.

15 A But I may be unaware of something.

16 Q Okay. On April 25, 2024, there was an in-person SBA event in Dearborn,
17 Michigan. Do you remember that event?

18 A No, I don't.

19 Q The press release goes -- let me find the paragraph, sorry. So it's the last
20 paragraph and a little bit on to the last page. It says, "In addition to this MOU, the SBA
21 will also encourage voter registration nationwide by including information on Vote.Gov in
22 marketing materials on the SBA's website and social media channels, and through signage
23 at SBA offices and events throughout the country" --

24 Mr. Fishman. I'm sorry, where are we?

25 Ms. Holmes. It's the press release --

1 Mr. Fishman. I see. Bottom?

2 Ms. Holmes. Bottom.

3 Mr. Fishman. I got you.

4 Ms. Holmes. Yep.

5 Mr. Fishman. Thank you.

6 BY MS. HOLMES:

7 Q -- "to learn more about registering to vote in Michigan" -- it has the link to
8 Michigan Secretary of State website, "and for more information about SBA's loan
9 programs, financial assistance, and other services visit SBA.Gov."

10 So starting at the beginning of this paragraph, or sorry, the "In addition to," how is
11 the SBA encouraging voter registration nationwide with their information on Vote.Gov?
12 Is it in marketing materials, as far as you know, right now?

13 A I am not aware of whether it is or isn't.

14 Q Okay. Are you aware if it's on SBA's website?

15 A No, I'm not aware if -- whether the information about Vote.Gov is up on
16 SBA.Gov.

17 Q Social media channels?

18 A Also not aware of that.

19 Q And any signage at SBA offices or events throughout the country?

20 A No, I'm not aware of whether it is or is not in those forms.

21 Q On the last page, that last sentence says, "For more information about SBA's
22 loan programs, financial assistance, and other services," is that something that's
23 in -- standard on every press release? You just remind people where to find information
24 about loan programs?

25 A I'm afraid I don't know.

- 1 Q Okay. Have you seen it on any other press releases?
- 2 A I can't recall if I have or haven't.
- 3 Q Do you look at the press releases when they go out?
- 4 A Typically not.
- 5 Q Do you know how many languages the SBA translates things on their website
- 6 into?
- 7 A I don't. I know that there is some Spanish language translation. I'm not
- 8 sure how many languages total the parts of the site -- sorry, the site or parts of the site
- 9 are translated to.
- 10 Q Are you aware of any of the voter registration materials being translated as
- 11 well?
- 12 A I'm not sure -- sorry, when you say voter registration materials, what do you
- 13 mean?
- 14 Q Things referenced in the MOU or any of the Vote.Gov.
- 15 A No, I'm not aware whether those were translated or not.
- 16 Q Okay. So aside from the existence of the URL, as far as you know, no
- 17 actions have occurred under the MOU?
- 18 A No external-facing ones.
- 19 Q What about the internal-facing ones?
- 20 A I'm also aware the agency is developing internal procedures in the form of a
- 21 standard operating procedure, an SOP.
- 22 Q When will those be distributed to staff?
- 23 A I don't know. They haven't hit my office yet, as far as I'm aware.
- 24 Q Okay. What is included in the standard operating procedure for this, as far
- 25 as you know?

1 A I'm afraid I don't know beyond that the intent of that standard operating
2 procedure will be to give further shape to this initiative, so presumably set up procedures
3 for it.

4 Q Who did you talk to about the standard operating procedure creation?

5 A I was made aware of that by our Office of General Counsel.

6 Q And they didn't give you a timeline?

7 A Not that I can recall.

8 Q It's been nearly 3 months since the MOU was signed, and the MOU itself was
9 negotiated over the course of 2 years. Given this substantial lead-up, I would anticipate
10 that the SBA has a rollout planned for this MOU, but you can't recall learning about the
11 rollout plan for this MOU?

12 A What do you mean by "rollout plan"?

13 Q Implementation plan, rollout plan, launching of this aside from the press
14 release.

15 A As I mentioned, I've been made aware that there would be an SOP.

16 Q But that's it?

17 A I'm not aware of other implementation steps, no. Well -- no, I'm not.

18 Q Implementation steps that have occurred or will occur?

19 A Other planned implementation steps.

20 Q Okay. Does the SBA intend to start these actions before the election?

21 A I don't know.

22 Q I think the SBA's official position has been that this is incredibly important to
23 register small business owners to vote in order to make sure that their voices are heard in
24 elections. I think that was the purpose we discussed earlier. They've expended a
25 substantial amount of resources to create and execute this MOU, but have no plan for

1 rolling it out, which seems incredibly illogical.

2 We're going to look back at exhibit 4, which is the signed MOU, if everyone wants
3 to pull that back up. It says that the agency shall --

4 Mr. Levy. Did you have a question? You just made a long statement. I didn't
5 know if you had a question.

6 Ms. Holmes. No.

7 Mr. Levy. Okay. I would ask you not characterize my client's testimony.

8 Ms. Holmes. I wasn't characterizing his testimony. I was summarizing where
9 the committee stands.

10 Mr. Levy. Great. Appreciate that clarification. Thank you.

11 Ms. Holmes. Yeah, anytime.

12 Mr. Fishman. Which exhibit are we on? I'm sorry.

13 Ms. Holmes. We're on exhibit 4.

14 Mr. Fishman. So the MOA?

15 Ms. Holmes. Yes.

16 Mr. Fishman. Yes. Thank you.

17 BY MS. HOLMES:

18 Q Page two, under training, it says, "The agency shall provide voter registration
19 training to all personnel conducting activities under this MOA, the memorandum of
20 agreement." Other than the SOPs that are in progress, have you been made aware of
21 any other training that agency personnel will conduct under this MOA, MOU?

22 Mr. Fishman. I just want to object. I don't think he said SOPs would be training
23 materials, just to be clear.

24 BY MS. HOLMES:

25 Q What are the SOPs used for?

1 A I don't know. I'm aware that they'll be used in some way to implement this
2 initiative.

3 Q Okay. As far as you know, will agency personnel be trained on the MOU or
4 its implementation?

5 A I can see that it -- that the MOA refers to that, so it stands to reason. I do
6 not recall being briefed on whether there will be training or what that training will look
7 like. And just a very small point of clarification, I think I heard you say SOPs; I just
8 referred to one SOP.

9 Q Okay. So this clause that we're talking about, it says the agency will
10 provide voter registration training to all personnel. That includes MDOS employees.
11 So I'm wondering if you've heard about any training materials being created for the
12 purpose of training?

13 A I have not. I'm sorry.

14 Q Okay.

15 Mr. Levy. Unless the SOP is one. He just doesn't know whether it is or isn't.

16 BY MS. HOLMES:

17 Q Sure. Still on page two, the MOU states that the SBA may provide
18 additional assistance or services at its discretion. Do you see where we're looking?

19 A Could you give me the Roman numeral?

20 Q It's the IV(a), second sentence.

21 A Six in?

22 Mr. Levy. Six in.

23 BY MS. HOLMES:

24 Q Yeah.

25 A Okay. "The agency may provide additional assistance or services" --

1 Q Yeah.

2 A Yep. Okay. I'm with you.

3 Q Do you have any knowledge of assistance or services that the SBA's
4 considering other than this MOU, in addition to what's been stated in the MOU?

5 A No, I don't, not that I can recall.

6 Q Okay. As far as you know, is this MOU going to be -- scratch that, actually.
7 On page two to three of the MOU, let me find the exact Roman numeral for me, it
8 states that the SBA is required to provide the same level of assistance to all applicants in
9 completing electronic voter registration forms as is provided with respect to other
10 non-VRA services provided by the agency, unless the applicant specifically refuses such
11 assistance.

12 Mr. Fishman. I'm sorry, what page?

13 Ms. Holmes. Yeah, we'll get that for you just a second.

14 Mr. Levy. Page three.

15 Ms. Holmes. Yeah, it's on page three.

16 Mr. Eckhardt. Roman numeral VII, subsection C, on top of the third page.

17 Ms. Meers. On the MOA or the MOU?

18 Ms. Holmes. MOA. Exhibit Number 4.

19 Mr. Fishman. Yes, I apologize. We're going -- yes, thank you.

20 Ms. Holmes. Yes, there's a lot. All good.

21 BY MS. HOLMES:

22 Q All right. I'll read it again. "The SBA is required to provide the same level
23 of assistance to all applicants in completing electronic voter registration application forms
24 as is provided with respect to other non-VRA services provided by the agency, unless the
25 applicant specifically refuses such assistance." Were you aware of this clause before we

1 just read through it?

2 A No, I don't recall reading this clause before.

3 Q Okay. This clause seems to me that someone applying for a loan and
4 somebody applying for a loan and also registering to vote is going to get the same
5 treatment. Is that correct? Is it your understanding reading it right now?

6 Mr. Levy. Can you repeat that question?

7 BY MS. HOLMES:

8 Q Sure. This clause seems to mean that someone applying for a loan, and
9 someone applying for a loan, but also registering to vote at the same time, get the same
10 treatment. Is that correct, to your understanding, at this present moment?

1 [3:02 p.m.]

2 Mr. Plews. To be honest, I'm not sure what this clause means.

3 BY MS. HOLMES:

4 Q Okay.

5 A The types of assistance provided for different forms of programs the SBA
6 provides are very different --

7 Q Okay.

8 A -- and so I'm having a hard time understanding what the "same level of
9 assistance" would mean.

10 Q Okay.

11 The SBA has been fairly vocal about saying, everyone who wants to register to
12 vote through the SBA's website will be able to register to vote through the SBA's website.
13 That was stated in our hearing last week, that there would be no delineation between
14 Republicans and Democrats when registering voters under this MOU.

15 However, as we've talked through, the Administrator has some discretion over her
16 travel and she has discretion to determine where she goes for events, to some extent.
17 Is that right?

18 A Is it right that the Administrator has some discretion over where she travels?

19 Q Uh-huh.

20 A Yeah, that's a fair statement.

21 Q So the Administrator could decide to only go to localities and States that
22 would have a high likelihood of Democrat voters being present; is that fair? Is that
23 right? She could make that determination if she wanted to?

24 A Hmm. Could you repeat the question? Sorry.

25 Q Yes. The Administrator has discretion to decide where she goes, right?

1 A That's correct.

2 Q Okay. So, if she has discretion to decide where she goes, does she also
3 have the discretion to only go to Democrat-led States or localities?

4 Mr. Levy. For what purpose?

5 Ms. Holmes. I'm just asking if she could make that determination.

6 Mr. Plews. Um --

7 Ms. Holmes. I'll rephrase --

8 Mr. Plews. Yeah, go ahead, if you want to repeat it, that --

9 Mr. Levy. Let her rephrase.

10 Mr. Plews. Okay. Yeah. Feel free to --

11 BY MS. HOLMES:

12 Q I was going to say, is there something that prevents -- or, requires the
13 Administrator to go to equally Republican and Democrat States and/or localities?

14 Mr. Levy. For what purpose?

15 Ms. Holmes. For events and travel.

16 Mr. Levy. As a general matter?

17 Ms. Holmes. Yes.

18 Mr. Plews. The SBA serves all of America's small businesses. We would have a
19 vested agency interest in connecting with as many small businesses as we can. A
20 limitation of the type you're describing doesn't sound productive.

21 Now, the MOU -- or, the MOA has a variety of prohibitions on the voter
22 registration activities covering the MOA at all becoming political or partisan. But you're
23 asking about the Administrator's travel.

24 BY MS. HOLMES:

25 Q Correct.

1 A I'm unsure of whether or not there is some specific hard and fast
2 requirement that would prevent an Administrator from traveling only to States led by
3 members of one party or another. I can say that any Administrator, regardless of party,
4 would have an interest in serving small businesses in all States.

5 Q And as Mr. Meuser pointed out, the Administrator's travel, from what's
6 publicly available, has historically been to Democrat-led areas and/or areas where
7 Democrat Members will also attend.

8 I'm not asking you to verify that or not. I'm just asking: She has the discretion
9 to go to these areas that she chooses, or is someone else telling her where she needs to
10 go?

11 A The Administrator runs the SBA. She has ultimate authority to decide
12 where she travels.

13 Q Okay.

14 You said at the beginning that you worked as the C- -- well, not "CIO" --

15 A There wasn't a -- you can finish the question.

16 Q You were involved in data and analytics at the SBA at one point in your
17 career. Does the SBA have data-retention policies that you are aware of?

18 A I'm trying to reflect on whether I had firsthand knowledge of what they are.
19 I'm sorry, I don't know -- I can't recall for a fact at this time if we do. I would
20 presume an organization like ours does.

21 Q That's fair.

22 Are there restrictions around what data the SBA is permitted to keep on its
23 servers, as far as you know?

24 A Well, one thing that comes to mind is, classified information can only be
25 contained in certain types of systems. I'm not immediately able to think of a rule that

1 would prevent the agency from having certain types of data on its servers generally
2 outside of classified -- the rules around classified information, but that doesn't mean that
3 no such rules exist.

4 Q Okay.

5 You guys deal with a lot of personally identifiable information, right?

6 A Yeah, I believe we do.

7 Q Do you know what safeguards exist to ensure that that PII doesn't get out?

8 Ms. Meers. I just want to take a pause. Where are we in scope?

9 Ms. Holmes. In the MOU, it discusses data retention.

10 Ms. Meers. And the --

11 Ms. Holmes. I'm sorry?

12 Ms. Meers. So is this data retention specific to the MOU?

13 Ms. Holmes. Generally, and then to the MOU, yes.

14 Ms. Meers. Because if it's in the MOU, then it should involve, then, the
15 discussion of data retention for the MOU, not throughout the whole entire SBA.

16 Ms. Holmes. Okay. You can make that objection. I think that it is in the
17 scope. So, if you would like to have a conversation afterwards, we can.

18 BY MS. HOLMES:

19 Q But, for now, if you could please answer the question.

20 A Could you repeat it? I'm sorry.

21 Q Yeah. What safeguards exist to ensure that that PII does not get hacked,
22 be made public? Are you aware of any?

23 A Yeah. The agency maintains cybersecurity personnel. The agency is
24 subject to a variety of government-wide cybersecurity standards which I believe are fairly
25 robust. We provide reporting, I believe, to Congress and to OMB about those standards.

1 I am not the agency's expert on them, but I think it's a fair assumption that they serve to
2 protect PII at the agency.

3 Q Okay.

4 On page 3 of exhibit 4, the memorandum of agreement, it states that, "The
5 Agency shall have proper security controls in place for the unique URL to prevent redirect
6 attacks and similar exploits. No Personally-Identifiable Information (PII) shall be
7 collected, stored, or distributed by the Agency to or from the Michigan Department of
8 State, and Michigan Department of State shall not provide PII to the Agency."

9 Do you have any awareness of these security controls in place for this MOU?

10 A Would these security controls be with respect just to the URL that was
11 produced toward the MOU?

12 Q It says the unique URL and then PII not being collected and stored, so I guess
13 both.

14 A I'm sorry, what -- I apologize.

15 Q Yep.

16 A Page 3?

17 Q It's Bates stamped "SBA Response_10," if that's helpful.

18 A The paragraph starting, "The Agency shall have proper security controls in
19 place"?

20 Q Uh-huh.

21 A And your question is, does the agency have controls in place for preventing
22 PII from being collected, stored, or distributed?

23 Q Both. So are you aware of the proper security controls in place for the
24 unique URL and the PII?

25 A I'm not aware of the security controls in place for the URL, and I'm not aware

1 of the controls in place around the PII. I'm afraid I don't know how -- if any PII is even
2 being transmitted to the agency. My understanding is the URL directs to a Michigan
3 State website.

4 Q Yes. So we have a few questions on that, actually.

5 Ms. Beca-Barragan. You only have 4 minutes left.

6 Ms. Holmes. Okay.

7 BY MS. HOLMES:

8 Q On page 3, paragraph (d) at the top of the page, it says the SBA is to "accept
9 completed voter registration forms from applicants through the unique URL."

10 And then (e) says, "Transmit each completed voter registration application to the
11 appropriate election official."

12 So, if it was just a URL redirecting to MDOS's website, there would be no need for
13 SBA to accept and transmit information. But the rest of this, including that paragraph
14 we talked about, seems to imply that accepting and transmitting of data will occur.
15 That's why we were asking if you were aware of the PII or any other proper security
16 things in place.

17 But it is your understanding that none of that should have to occur because it's
18 just a URL?

19 Mr. Levy. That's not what he said.

20 Mr. Plews. No. What I was advised was that the URL redirects to a Michigan
21 State website, and so I surmised from that that there would be -- I couldn't think of a
22 reason, personally, why the agency would then collect PII.

23 I can't speak to why additional information is in the MOU. I'm afraid I just don't
24 know.

25 BY MS. HOLMES:

1 Q Okay. I actually agree with that. It doesn't make a whole lot of logical
2 sense to me either.

3 But, before we close out this hour, I just want to note for the record, if counsels
4 could please keep their comments to objections that are recognized by the committee,
5 that would be greatly appreciated.

6 We can go off the record.

7 [Recess.]

8 Ms. Holmes. We can go back on the record.

9 Mr. Levy. How much longer do you have?

10 Ms. Holmes. I anticipate another hour. But, of course, we have the discretion
11 for it to go longer than that if we need to.

12 BY MS. HOLMES:

13 Q Going back to page 3 of the memorandum of understanding -- or
14 memorandum of agreement, sorry, exhibit No. 4, the last full paragraph on the page says,
15 "MDOS shall provide the Agency with metrics, including but not limited to a periodic total
16 of persons who were driven to the MDOS online voter registration site and completed the
17 form via the unique URL."

18 Are you aware of the transmission of that information back to the SBA prior to me
19 reading it to you just now?

20 A I'm not aware of that.

21 It's probably worth me noting here, the agency has an Office of the Chief
22 Information Officer and we have a number of technology professionals who are more
23 expert than I am in these things and, like with the security topics we were covering
24 earlier, would be the ones who'd be responsible for tracking a sort of technology-based
25 topic.

1 Q Okay. Do they report to you?

2 A They don't all report to me. The Chief Information Officer reports to the
3 Acting Chief Operating Officer, who reports to me.

4 Q Okay. Thank you for that clarification.

5 On page 4, Roman numeral X, it's entitled "Prohibited Agency Conduct." You
6 alluded to this earlier. And it lists the prohibitions for agency staff under this MOU.

7 Are there policies that you are aware of that prohibit staff from seeking to
8 influence an applicant's political preference or displaying any political preference or party
9 allegiance?

10 We can start with (a), so "seeking to influence applicant's political preference."
11 Are you aware of any existing policy at the SBA that prevents that?

12 A Well, my understanding is this document is an agreement between the SBA
13 and the State of Michigan, so this prevents that.

14 Q Okay.

15 Are you aware of any other agency policy -- we'll go to letter (b) -- from "displaying
16 any political preference or party allegiance"?

17 A The Hatch Act covers this topic area broadly. It has nuanced
18 interpretations, but there are contexts in which, while on official time, on official
19 property, in an official capacity, you would want to stay away from displaying symbols of
20 party allegiance, for instance.

21 Q Okay. So the Hatch Act. Is there any SBA internal policy that you're
22 aware of that prevents that or prohibits that?

23 A Beyond --

24 Mr. Levy. Asked and answered.

25 Ms. Holmes. He was going to answer.

1 BY MS. HOLMES:

2 Q Beyond?

3 A I was going to ask, beyond this document?

4 Q Yes.

5 A Both of those things that I've mentioned, this document and the Hatch Act,
6 are standards that the SBA must adhere to. Whether there are also additional internal
7 agency documents beyond those two things, there may be. You know, for instance, we
8 may have implementing agency ethics materials that might cover this. Nothing's coming
9 to mind at this time; doesn't mean they don't exist. But this and the Hatch Act both
10 seem to cover this topic.

11 Q Okay.

12 Does the SBA have penalties for employees who violate the Hatch Act, as far as
13 you know?

14 A My understanding is, the Hatch Act itself maintains a number of potential
15 penalties.

16 Q Outside of the Hatch Act, are there any internal SBA policies about penalties
17 for SBA employees violating the Hatch Act, or being accused of violating the Hatch Act?

18 A There may be. Our Office of General Counsel would be best positioned to
19 answer that.

20 Q As far as you know, is this the only memorandum of agreement or
21 understanding between the SBA and Michigan?

22 Mr. Levy. About anything?

23 Ms. Holmes. Yeah.

24 Mr. Plews. I'm not aware of another memorandum of agreement with the State
25 of Michigan. There may be one.

1 BY MS. HOLMES:

2 Q Have you ever heard of Rock the Vote?

3 A I have.

4 Q Have you worked with them at all?

5 A Not to my recollection, no.

6 Q In your SBA capacity or otherwise?

7 A In no capacity can I recall working with Rock the Vote.

8 Q Are you familiar with their mission or what they do?

9 A My familiarity with Rock the Vote is a bit dated. If I recall correctly, they
10 used to partner with MTV in some way, and one of their goals at the time was to
11 encourage young people to vote.

12 Q We talked earlier about Jessica Reeves. Do you remember that?

13 A I apologize. It's been a bit of a long day.

14 Q Yeah.

15 A Vaguely.

16 Q Okay. Can you tell me who Jessica Reeves is?

17 A Jessica Reeves is our Director of Public Engagement.

18 Q The Rock the Vote website currently indicates that she is a board member of
19 Rock the Vote. Were you aware of that?

20 A I was recently made aware of that.

21 Q "Recently," as in --

22 A Last couple of weeks.

23 Q Last couple of weeks. Why were you made aware of that?

24 A Jessica made me aware. I'm not sure exactly why.

25 Q She just walked up to you and said, hey, I'm on the board?

1 A She asked to speak to me and notified me of this.

2 Q Okay. To the best of your recollection, what else did she tell you?

3 A She told me she was the organization's treasurer. She told me she does it
4 in her personal time. I can't recall what else she told me.

5 Q Was it an in-person meeting or on the phone?

6 A It was in person.

7 Q In person.

8 Are you aware of any Federal laws that would prohibit a Federal employee from
9 also being on a third-party board?

10 Mr. Levy. Objection. Calls for a legal conclusion.

11 Ms. Holmes. I'm just asking if he's aware of any laws.

12 Mr. Plews. I'm not aware of any laws that would universally prohibit that.

13 It -- yeah. I'm not aware of any laws that would universally prohibit a Federal employee
14 from serving on a third-party organization's board.

15 BY MS. HOLMES:

16 Q Are you aware of any SBA policies that would prevent that?

17 A Similarly, not that would universally or uniformly prohibit it.

18 Q Are there case-by-case determinations made if people want to serve on
19 third-party boards?

20 A I am not sure of the exact procedures. I have not had to go through it
21 myself. But my understanding is that our agency's Office of General Counsel can advise
22 agency employees on whether any ethics requirements would prevent such an activity.

23 Q So are you trained on that in your ethics training?

24 A I believe we're trained on that, but, again, I haven't had to go through that
25 myself.

1 Q Okay.

2 The SBA, in their production to the committee, sent us a couple of slides, or a slide
3 deck, we'll introduce as majority exhibit 18.

4 [Plews Majority Exhibit No. 18
5 was marked for identification.]

6 BY MS. HOLMES:

7 Q This is a slide deck presented to the committee by the SBA entitled "EO
8 14019 and Voter Registration Agency Designation."

9 Have you seen these slides before?

10 A Not to my recollection, no.

11 Q Okay.

12 I want to just look at the timeline for a minute. And I know you said you cannot
13 recall when you first learned about the agreement and/or discussions with the State of
14 Michigan. The last point on the first page, Bates number "SBA Response_2," says,
15 "Ongoing 2024: Discussions with other states about designation requirements."

16 As far as you know, are discussions with other States occurring?

17 Mr. Levy. Objection. Asked and answered.

18 BY MS. HOLMES:

19 Q As far as you know, outside of the two States that you have already stated,
20 are there other States interested in contracting with the SBA?

21 Mr. Levy. Objection. Asked and answered.

22 BY MS. HOLMES:

23 Q Will the witness please answer?

24 A I don't know.

25 Q Is this an ongoing 2024 priority for the Administrator, as far as you know?

1 A Is what an ongoing 2024 priority?

2 Q Sorry. The other designations in other States.

3 A I personally wouldn't characterize it as a priority. I use the word "priority"
4 to refer to things that are -- again, consume a lot of the Administrator's time or are
5 otherwise hard to execute. I don't know if the Administrator would characterize it as a
6 priority.

7 As I mentioned before, I'm not sure if conversations with other States are
8 currently active. I do know that they were active in the past.

9 Q Have you talked to the Administrator about other States and voter
10 registration, as far as you can recall?

11 A I recall the topic of voter registration and the EO and the MOU coming up in
12 Legislative Affairs briefings. I can't recall if other States came up.

13 Q Okay.

14 A It's possible.

15 Q In any of your one-on-ones with the Administrator, have you talked about
16 other States that the SBA could engage in MOUs with?

17 A I don't recall doing so in one-on-ones with the Administrator, no.

18 Q Okay.

19 Can you recall any conversations about the SBA and third parties on voter
20 registration?

21 A Just in general, or with the Administrator, or --

22 Q In general. Any --

23 A Just in general?

24 Q -- conversations.

25 A I recall being advised that there may have been an agency meeting with the

1 ACLU at some point. I can't recall who told me that.

2 Q Were you at the meeting?

3 A No.

4 Q Do you remember about when you found out about it?

5 A I don't precisely. Sometime in the last few months.

6 Q Okay. As far as you are aware, has the Administrator met with the ACLU on
7 voter registration?

8 A Not as far as I'm aware, no.

9 Q As far as you're aware, has Jennifer Kim met with the ACLU on voter
10 registration?

11 A I'm not sure.

12 Q Okay. Would that normally be something Ms. Kim would share with you in
13 her biweekly meetings?

14 Mr. Levy. Objection.

15 Ms. Holmes. What's the objection?

16 Mr. Levy. It's hard to know what she would normally share in her own mind or
17 doesn't share. If she doesn't share it --

18 Ms. Holmes. Sure.

19 BY MS. HOLMES:

20 Q Yeah, I don't want to know what's in her mind. I want to know, like, a
21 normal course of business, what would she typically share with you during your
22 meetings?

23 A I don't recall Jen ever sharing any external meetings she's done in our
24 check-ins. It wouldn't be a typical topic.

25 Q What are typical topics?

1 A Management challenges within the Office of Field Operations are a common
2 one. My understanding of how the Administrator wants her to prioritize her time.

3 Q Sorry. One more time. Your understanding of how --

4 A The Administrator wants Jen to prioritize her time.

5 Q Okay. Did voter registration ever come up as something that the
6 Administrator wanted her to spend her time on?

7 A No, not that I can recall [inaudible].

8 Q That you recall -- what?

9 A No, not in our -- I cannot recall that topic coming up in our one-on-ones, my
10 one-on-ones with Jen.

11 Q Okay. Did it ever come up with the Administrator talking to you about Ms.
12 Kim?

13 A No, not that I can recall.

14 Q Okay.

15 Did the Administrator communicate priorities for each office head to you?

16 A The Administrator has in the past communicated priorities for many office
17 heads to me; I am not sure every office head. Some of our offices are quite small.

18 Q So, in your discussions with Ms. Kim about your interpretation of her time
19 being spent, what kinds of things would you talk about?

20 A Restructurings of the Office of Field Operations, how it should be organized.

21 Q Okay.

22 A I mentioned this before, but SBA's 70th anniversary.

23 Q Right.

24 A Jen has occasionally given me thoughts on ways I could better structure
25 other meetings.

1 But, sorry, you asked about directions from the Administrator.

2 Q Uh-huh.

3 A I can't recall recent ones. I'm sorry, I'm having a -- I can't recall other ones,
4 but that may be more a function of what the topics of our most recent meetings have
5 tended to be about.

6 Q Okay. You said you meet with her biweekly?

7 A At the moment, biweekly is the set schedule.

8 Q Sure.

9 So, from the conversation we've had over the last 2 minutes, I suppose, the things
10 you seem to talk to Ms. Kim most about are the restructuring of the office, the
11 management challenges she faces, and then her advice to you on how to perhaps better
12 run or differently run meetings.

13 A I would say our most recent check-ins have focused on management
14 challenges within the office. I wouldn't say it's fair to say we spent a lot of time talking
15 about her advice to me on how other meetings should be run, but that has come up in
16 the past as a thing I remembered. Most recently, the focus has been more on
17 management challenges in the office.

18 Q Okay.

19 Is the OFO going to be restructured?

20 A No. Well, let me make sure I give an accurate answer. I don't believe
21 there're any plans for a restructure that I'm aware of. We have centralized some SES
22 functions in the office. There was a past conversation.

23 Q Centralized -- what's "SES"?

24 A Senior Executive Service. The Office of Field Operations has a number of
25 those, and two of them formally managed district offices. Now they work out of the

1 headquarters structure.

2 Q Okay. What precipitated that change, if you can recall?

3 A I don't recall the full set of motivations. One would be, to have two
4 members of the Senior Executive Service distributed in that former way, where they are
5 just in two cities, isn't the most efficient way of utilizing that level of talent.

6 Q Okay. Do you remember when that happened?

7 A I don't.

8 Q But you talked with Jennifer Kim about it, so presumably in the time that
9 you've been Chief?

10 A I think that's fair.

11 Q Okay.

12 You mentioned the ACLU was the only third party you can remember right now.
13 What about D-e-m-o-s, Demos?

14 Mr. Levy. What's the question? Sorry.

15 BY MS. HOLMES:

16 Q Do you recall working with them at all?

17 Mr. Levy. About anything?

18 Ms. Holmes. Uh-huh.

19 Mr. Plews. Actually, no, I'm not aware of -- I don't recall working with
20 Demos -- I'm not even sure that's how it's pronounced -- D-e-m-o-s at all.

21 BY MS. HOLMES:

22 Q Okay. Are you aware of meetings between them and the Administrator?

23 A No, I'm not.

24 Q Okay.

25 Can you recall any other third-party voting-rights organizations that the

1 Administrator has met with outside of the ACLU? I know they do more than that, but --

2 A I don't know that it was the Administrator who met with the ACLU.

3 Q Oh, okay.

4 A And I don't think it was. I believe it was Jen.

5 Q Okay.

6 A Other organizations? No, I don't recall the Administrator meeting with any
7 voting-rights organizations.

8 Q Okay.

9 When we were talking with Ms. Kim in the SBA briefing, she mentioned that they
10 prioritized Michigan because it had the infrastructure, essentially, to support the MOU
11 and registering voters online; they had one of the best in the country.

12 Did she ever talk to you about that?

13 A Not that I can recall.

14 Q Okay.

15 Ms. Holmes. We can go off the record for a minute.

16 [Discussion off the record.]

17 Ms. Holmes. We can go back on the record.

18 BY MS. HOLMES:

19 Q Are you aware of the "small-business boom" catchphrase?

20 A Yes, I'm aware of that catchphrase.

21 Q What do you understand it to mean?

22 A I understand it to refer to the surge in applications for EINs.

23 Q And EINs are? Sorry.

24 A Employee identification -- employee or employer identification number.

25 Sorry. I've only ever really used the acronym in practice. But it's a proxy for

1 someone's propensity to start a business.

2 Q Okay. Has the Administrator prioritized new EINs or new businesses
3 coming into existence?

4 A I think that that is generally a priority for the SBA. I think the agency
5 generally would see it as a good thing. I can't recall having a specific conversation with
6 the Administrator where she told me that that was a specific priority for her, but it's
7 almost such a generally accepted positive outcome that perhaps it could almost be seen
8 as an understood goal.

9 Q Did she similarly talk about keeping small businesses alive throughout
10 economic turmoil as a priority or something she thought about or thought was a given,
11 however you want to characterize it?

12 A That, I would say, we've talked about more.

13 Q Okay.

14 A As I mentioned, a large -- the best way to phrase it might be, a large
15 percentage of our time, mine and hers, was dedicated to implementing the pandemic
16 relief programs that were designed to do that.

17 Q Okay.

18 Does the SBA use the slogan "small-business boom"?

19 A I'm not 100-percent certain that we do. I wouldn't be surprised to learn
20 that we do.

21 Q But you guys talk about it generally? Like, you knew what it was --

22 A Yes.

23 Q -- so it's been talked about around the office?

24 A I have certainly heard the phrase more than once.

25 Q Okay.

1 You said you spent a lot of time on keeping businesses open since we are a few
2 years past the pandemic. I know that's pandemic-related things, like you said, but was
3 there anything else that you guys -- "you guys" being the SBA -- have focused on to keep
4 businesses afloat?

5 A Well, SBA's permanent programs also help businesses stay in operation.
6 So, when I've been talking about our pandemic relief programs, I've been talking about
7 temporary programs that were designed to respond to this pandemic and its economic
8 effects, but the agency's longstanding programs are also designed to help businesses
9 start, grow, prosper, thrive, and that would include surviving.

10 Q So is that something -- that's, like, a metric you guys are tracking, the
11 survival -- well, like, the new EINs, you said that's gone up. That's wonderful. The ones
12 that are closing and/or the ones that are barely staying afloat, is that something you
13 guys track too?

14 A The agency doesn't actually maintain the statistical databases that provide
15 those stats. Those are largely maintained by Department of Commerce, if you're talking
16 about business --

17 Q Yeah.

18 A -- starts and deaths.

19 Q Okay.

20 A We certainly keep our eyes on them.

21 Q I think Mr. Robinson told us that it's data that he provides in her briefing
22 book. Is that your understanding as well?

23 Mr. Levy. Of what Mr. Robinson told you, or that --

24 BY MS. HOLMES:

25 Q Of the briefing book.

1 A I can't recall if I've seen them in there firsthand --

2 Q Okay.

3 A -- but that is a logical data point to track.

4 Q Okay.

5 Ms. Holmes. As we close out this hour, I want to thank you for being here today.

6 We appreciate you being here voluntarily, as well as all the attorneys. And we recognize

7 it's been a very long day. We appreciate you for sticking it out with us.

8 We can go ahead and go off the record.

9 [Discussion off the record.]

10 Ms. Holmes. We can go back on the record for your one thing.

11 Mr. Levy. Great.

12 Counsel for the majority and minority, thank you.

13 Ms. Holmes, thank you for letting me know that Mr. Plews has been cooperative
14 today. I appreciate that.

15 I wanted to enter into the record an email exchange that you and I had as exhibit
16 19, just to put it on the record.

17 Ms. Holmes. Well, make it A.

18 Mr. Levy. Sure.

19 Ms. Holmes. I'm sorry, but, yeah, so we can distinguish.

20 Mr. Levy. That's okay. I'll write an "A" on that.

21 [Plews Exhibit A
22 was marked for identification.]

23 Mr. Levy. For you.

24 Ms. Holmes. Do you have one for the clerk too?

25 Mr. Levy. Sure.

1 The Reporter. Thank you.

2 Mr. Levy. You're welcome.

3 For the minority.

4 Ms. Beca-Barragan. Thank you.

5 Mr. Levy. For government counsel.

6 This is an email dated May 23, 2024, at 11:22 a.m. It's from me, Josh Levy, to
7 Lauren Holmes. The subject is "Mr. Plews."

8 The email says, "Hi, Lauren. Thanks for the call and agreeing that the Committee
9 will not be penalizing or criticizing Mr. Plews for moving the date of the deposition (or
10 transcribed interview, if it turns into that) to the 11th, and that you will convey to the
11 Chair and the Committee that Mr. Plews is cooperating with the Committee, and that he
12 should not be criticized for the SBA's response to the Committee's inquiry. Please
13 confirm. Thank you. Josh."

14 Next email, May 23rd, 2024, at 3:43 p.m., from Lauren Holmes to me, Josh Levy.

15 "Hi, Josh. Thank you for the call! Yes we agree to the below. Best, Lauren."

16 Ms. Holmes. Good?

17 We can go off the record.

18 [Whereupon, at 3:53 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date