

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6515

July 30, 2024

The Honorable Isabella Casillas Guzman
Administrator
U.S. Small Business Administration
409 3rd Street SW
Washington, DC 20416

Dear Administrator Guzman:

The House Committee on Small Business (Committee) is investigating the Small Business Administration's (SBA) implementation of Executive Order (EO) 14019 and its related Memorandum of Understanding and Memorandum of Agreement (collectively, the MOU) with the Michigan Department of State (MDOS), which designated the SBA as a Voter Registration Agency in the State of Michigan under the National Voter Registration Act (NVRA). The purpose of this investigation is to evaluate legislative solutions to the SBA's use of federal funds to conduct voter registration activities. Unfortunately, the SBA has produced only a small portion of the documents and communications that the Committee has requested and has done so slowly and after multiple attempts by the Committee to obtain any relevant information. Indeed, in response to the Committee request for all documents and communications related to the MOU, the SBA has only provided 359 pages of largely duplicative documents in the four months since this investigation began. The SBA's continual obstruction has hindered the Committee's ability to consider legislative reforms needed to ensure the integrity of the 2024 elections and equal access to the ballot box for all Americans.

The Committee first learned of the MOU between the SBA and MDOS on March 19, 2024. The following day, the Committee held a hearing with you entitled, "Conducting Oversight: Testimony from the Small Business Administrator." During this hearing, Representative Dan Meuser requested the following documents related to the SBA's implementation of EO 14019 and its MOU with Michigan: (1) every email and official correspondence between the SBA and businesses related to this MOU; and (2) every email and official correspondence between the SBA and other government agencies related to this MOU.¹ You indicated that you would "put in that request with my team and follow up with [Rep. Meuser] directly."² Congressman Meuser has yet to hear back from you.

¹ See *Conducting Oversight: Testimony from the Small Business Administrator: Hearing Before H. Comm. on Small Bus.*, 118th Cong. (Mar. 20, 2024) (statement of Dan Meuser, Member, H. Comm. on Small Bus.).

² *Id.*

On April 4, 2024, the Committee sent the SBA the first of its many letters on this issue, seeking the information initially requested during the hearing, as well as additional documents and information on the nature and background of the MOU.³

On April 17, 2024, a video emerged of an SBA political appointee, Tyler Robinson, discussing how the SBA is supporting the reelection campaign of President Joe Biden and Congressional Democrats.⁴ The next day, the Committee requested that the SBA make Mr. Robinson and his supervisor, SBA Chief of Staff Arthur Plews, available for transcribed interviews in early May.⁵ The SBA declined to make any of its employees available for interviews, instead offering to brief the Committee on the MOU. The Committee accepted the briefing, which took place on May 3. However, when Committee staff attempted to ask questions about the video and the allegations contained therein, the SBA shut down the questioning. When Committee staff asked questions about the briefer's role at the SBA and her experience with voter registration, SBA staff again shut down the questions. And when the Committee asked where it could find more information on the SBA's events and your travel related to this MOU, the SBA directed the Committee to the SBA's X account. Given the SBA's lack of transparency during the briefing—not to mention its unseriousness in directing a Congressional Committee to check a public social media platform for oversight purposes—the Committee must now subpoena the documents it requested to conduct effective oversight of the SBA and its activities.

Additionally, because the SBA refused to make Mr. Robinson and Mr. Plews available for voluntary interviews, the Committee issued its first two subpoenas in more than a decade, compelling their appearances at depositions.⁶ At the SBA's request, and in an effort to work with the SBA in good faith, the Committee made the extraordinary accommodation of allowing Mr. Robinson and Mr. Plews to appear voluntarily for transcribed interviews instead of depositions. These interviews took place on June 4 and June 11, respectively. Unfortunately, these individuals conveniently could not recall key information. For example, during Mr. Plews's transcribed interview, he claimed nearly 200 times that he lacked awareness or knowledge of relevant facts related to this investigation.⁷ In the face of the apparently faulty memory of SBA's political appointees, the Committee's need for the requested documents became much more pressing.

After multiple phone conversations, on May 10, 2024, the SBA finally provided a complete copy of the MOU, as well as a three-page slide deck from the May 3, 2024 briefing.⁸ In

³ Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Apr. 4, 2024).

⁴ James O'Keefe (@JamesOKeefeIII), X (Apr. 17, 2024, 3:57 PM), <https://x.com/JamesOKeefeIII/status/1780687148527579215>.

⁵ Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Apr. 18, 2024).

⁶ Subpoena from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Tyler Robinson, Special Advisor, U.S. Small Bus. Admin. (May 7, 2024); Subpoena from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Artur Plews, Chief of Staff, U.S. Small Bus. Admin. (May 7, 2024).

⁷ Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus. (Jul. 22, 2024).

⁸ See Letter from George Holman, Assoc. Adm'r, Cong. and Legislative Affairs, U.S. Small Bus. Admin., to Roger Williams, Chairman, H. Comm. on Small Bus. (May 10, 2024).

total, this production amounted to just 17 pages of documents and contained zero communications responsive to the Committee's requests. On May 29, 2024, the SBA produced 156 pages of emails between the SBA and MDOS about the drafting process of this MOU, many of which were largely duplicative.⁹ The May 29 production included incomplete email exchanges with abrupt, protracted gaps between when these exchanges occurred, clearly implying that additional relevant communications exist outside of what was provided to the Committee.

On May 16, 2024, the Committee sent a joint letter with the Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senator Joni Ernst, to the SBA seeking the calendars and travel itineraries for 11 identified SBA employees and any trip summaries, transcripts, or any related documents memorializing reimbursements for the travel and trips.¹⁰ On June 14, 2024, the SBA provided 49 different media advisories announcing events from March 2023 through May 2024 but no substantive communications.¹¹ Notably, the SBA did not provide calendars or itineraries for any of its employees, nor did it provide any summaries or transcripts of events. Worse yet, as the Committee informed the SBA at the time, the production was not responsive to any of the Committee's requests.

On June 27, 2024, the Committee and staff for Ranking Member Ernst met with the SBA to discuss the status of the outstanding document requests. During this meeting, the Committee agreed to multiple accommodations to help the SBA expedite the production of documents. The SBA indicated that the Committee and Ranking Member Ernst could expect documents to be produced "in July" and on a rolling basis going forward. On July 2, 2024, the SBA produced one document that it claimed was responsive to the Committee's April 4, 2024 and April 18, 2024 letters: a single email chain between SBA and MDOS, which was repeated over 97 pages, the majority of which concerned the logistics behind announcing the MOU.¹² Given that this production also included incomplete email exchanges with abrupt, protracted gaps between when exchanges occurred, it is clear that there are emails responsive to Committee's requests that the SBA has not yet produced to the Committee.

After giving the SBA time to comply with these requests and making numerous accommodations as to the prioritization and scope of the requests, the Committee and Ranking Member Ernst sent a follow-up letter to the SBA on July 15, 2024, reiterating their outstanding requests and memorializing the prioritization of documents.¹³ The Committee also identified 20

⁹ See Letter from George Holman, Assoc. Adm'r, Cong. and Legislative Affairs, U.S. Small Bus. Admin., to Roger Williams, Chairman, H. Comm. on Small Bus. (May 29, 2024).

¹⁰ Letter from Roger Williams, Chairman, H. Comm. on Small Bus., and Joni Ernst, Ranking Member, S. Comm. on Small Bus. and Entrepreneurship, to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (May 16, 2024).

¹¹ See Letter from George Holman, Assoc. Adm'r, Cong. and Legislative Affairs, U.S. Small Bus. Admin., to Roger Williams, Chairman, H. Comm. on Small Bus., and Joni Ernst, Ranking Member, S. Comm. on Small Bus. and Entrepreneurship (June 14, 2024).

¹² See Letter from George Holman, Assoc. Adm'r, Cong. and Legislative Affairs, U.S. Small Bus. Admin., to Roger Williams, Chairman, H. Comm. on Small Bus. (Jul. 2, 2024).

¹³ Letter from Roger Williams, Chairman, H. Comm. on Small Bus., and Joni Ernst, Ranking Member, S. Comm. on Small Bus. and Entrepreneurship, to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 15, 2024).

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SBA employees for whom SBA should prioritize the production. On July 29, 2024, the SBA produced two messages from the same email chain as prior productions, both of which can be found no less than eight times in the July 2, 2024, production, but provided no other responsive documents.

Moreover, on July 24, 2024, the Committee held a hearing entitled, “Examining the SBA’s Electioneering Efforts with Associate Administrator Jennifer Kim.” During this hearing, Ms. Kim showed a severe lack of awareness regarding how this MOU came to be and how it would be implemented, even though she signed the MOU and was the SBA’s Associate Administrator of the Office of Field Operations, which is responsible for implementing this MOU. Given that the Committee is unable to obtain the information it needs from the person most responsible for this MOU, a documents subpoena is necessary to obtain this information.

The SBA continues to obstruct the Committee’s legislative efforts. Though the Committee appreciates that the SBA made two of its political appointees available for interviews, the SBA did so only after the Committee compelled their appearances. The minimal information provided in those interviews and the paltry document production so far has not satisfied the Committee’s legislative need for the requested communications surrounding the decision. The Committee still has not seen a substantial number of communications surrounding this MOU, the calendars of SBA employees involved in this MOU, or the implementation plan(s) for this MOU. Nor has the SBA provided sufficient evidence to show how this agreement came to be. These communications and documents are critical to assessing how and why this agreement was made in the first place and how it is being implemented.

The Committee has broad authority to investigate “problems of all types of small business” under House Rule X.3(I). The Committee continues to have serious concerns regarding the SBA’s efforts to comply with legitimate oversight requests and will not tolerate any further delay. Accordingly, attached to this letter is a subpoena, issued pursuant to Rule XI.2(m)(1)(B) of the Rules of the House of Representatives and Rule 9(A) of the Committee’s rules.

Sincerely,



Roger Williams
Chairman

House Committee on Small Business

cc: The Honorable Nydia M. Velázquez, Ranking Member

SUBPOENA

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE
CONGRESS OF THE UNITED STATES OF AMERICA**

The Honorable Isabella Casillas Guzman, Administrator of the U.S. Small Business Administration

To _____

You are hereby commanded to be and appear before the
House Committee on Small Business

_____ of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2361 Rayburn House Office Building, Washington, D.C. 20515

Date: August 13, 2024

Time: 12:00p.m.

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To any authorized staff member or the U.S. Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at
the city of Washington, D.C. this 30 day of July, 2024.

Isabella Casillas Guzman
Chairman or Authorized Member

Attest:

Isabella Casillas Guzman
Clerk

Schedule to Subpoena

In accordance with the attached Schedule instructions, you, Isabella Casillas Guzman, Administrator of the U.S. Small Business Administration (SBA), are required to produce the following items in your possession, custody, or control in unredacted form:

1. All communications, including Microsoft Teams messages, between and among SBA personnel regarding Executive Order (EO) 14019, voter registration, access to voting, and/or the Memorandum of Understanding or Memorandum of Agreement (collectively, MOU), from March 7, 2021 to present, as well as the search terms the SBA used to identify these communications.
2. All communications between SBA personnel and third parties, including but not limited to small business owners, associations, non-profits, and SBA resource partners in the State of Michigan, regarding EO 14019, and/or the MOU, from March 7, 2021, to present, as well as the search terms the SBA used to identify these communications.
3. The implementation plans regarding this MOU.
4. Interim and final reports drafted and submitted to the White House regarding implementation of EO 14019.
5. Documents sufficient to show whether the SBA engaged in any activity relating to voter access or voter registration prior to the March 19, 2024 announcement of the MOU.
6. Documents sufficient to show whether the SBA or the Michigan Department of State initiated the engagement on the MOU.
7. The official calendar entries for the following individuals from June 1, 2022, through December 31, 2024:
 - a. Isabella Casillas Guzman
 - b. Dilawar Syed
 - c. Arthur Plews
 - d. Jennifer Kim
 - e. Victor Parker
 - f. Destine Hicks
 - g. Geri Sanchez Aglipay
 - h. Laketa Henderson
 - i. Julie Verratti (up until she departed SBA)
 - j. Scott Harriford (up until he departed SBA)
 - k. The SBA individual appointed as the Michigan National Voter Registration Act of 1993 (NVRA) coordinator.

8. All travel itineraries for official trips the following individuals have taken, and are currently scheduled to take in the future, including where, when, and with whom, from March 1, 2024, through December 31, 2024:
 - a. Isabella Casillas Guzman
 - b. Dilawar Syed
 - c. Arthur Plews
 - d. Jennifer Kim
 - e. Victor Parker
 - f. Destine Hicks
 - g. Geri Sanchez Aglipay
 - h. Laketa Henderson
 - i. Julie Verratti (up until she departed SBA)
 - j. Scott Harriford (up until he departed SBA)
 - k. The SBA individual appointed as the Michigan National Voter Registration Act of 1993 (NVRA) coordinator.

9. Documents sufficient to show any reimbursement for costs associated with political activities under the Hatch Act, including all reimbursement statements, for all trips encompassed in requests 7 and 8 of this schedule, as well as the search terms the SBA used to identify these documents.

10. All transcripts of remarks made by SBA personnel on trips encompassed in requests 7 and 8 of this schedule.

RESPONDING TO THE COMMITTEE'S SUBPOENA

In responding to this Subpoena, please apply the instructions and definitions set forth below:

INSTRUCTIONS

1. In complying with this Subpoena, you are required to produce all responsive documents in unredacted form that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you. You are also required to produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. You must also produce any responsive documents or communications from any Slack or Teams channel that you own, is in your primary control, or have access to. Subpoenaed records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or individual named in the Subpoena has been, or is currently, known by any other name, the Subpoena should be read also to include such other names under that alternative identification.
3. The Committee's preference is to receive documents in electronic form in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Documents produced to the Committee should include an index describing the contents of the production. To the extent that more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents.
6. When you produce documents, you should identify the paragraph(s) and/or clause(s) in the Committee's schedule to which the documents respond.
7. Documents produced pursuant to this Subpoena should be produced in the order in which they appear in your files and should not be rearranged. Any documents that are stapled, clipped, or otherwise fastened together should not be separated.
8. Documents produced in response to this Subpoena should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this Subpoena was issued. Indicate the office or division and person from whose files each document was produced.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the subpoenaed information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the Subpoena cannot be made in full by August 13, 2024, at 12:00 PM EDT, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided no later than August 6, 2024, at 12:00 PM EDT.
12. In the event that a document is withheld on any basis, provide a log containing the following information: (a) the basis for withholding the document; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this Subpoena was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this Subpoena, you should identify the document (stating its date, author, subject, and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.
14. In complying with the Subpoena, be apprised that the U.S. House of Representatives and the Committee do not recognize any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protection from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosures agreements.
15. If any document responsive to this Subpoena cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction, or unavailability.
16. If a date or other descriptive detail set forth in this Subpoena referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the Subpoena, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
17. The Subpoena is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
18. All documents should be Bates-stamped sequentially and produced sequentially.

19. Two sets of the documents should be delivered to the Committee, one set to the Majority staff in Room 2361 of the Rayburn House Office Building and one set to the Minority staff in Room 2069 of the Rayburn House Office Building. You should consult with Committee staff regarding the method of delivery prior to sending any materials.
20. Upon completion of the document production, you must submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; (2) all documents located during the search that are responsive have been produced to the Committee.

DEFINITIONS

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (“email”), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, presentations, spreadsheets, and worksheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to any of the foregoing as well as any attachments thereto), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise and whether in a meeting, by telephone, facsimile, email, text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The term “calendar” means any document, tool, device, or other means used to track or organize the events and schedule of an individual or group. This includes both electronic calendar records and paper calendar records.
4. The phrase “possession, custody, or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.
5. The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this Subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural number and vice versa. The masculine includes the feminine and neuter genders.
6. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

7. The terms “referring” or “relating,” with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
8. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
9. The acronym “MDOS” refers to the Michigan Department of State.
10. The acronym “SBA” refers to the U.S. Small Business Administration.
11. The term “EO 14019” means President Joseph R. Biden’s Executive Order 14019—Promoting Access to Voting.
12. The acronym “MOU” refers to both the SBA’s Memorandum of Understanding with MDOS designating the SBA as a voter registration agency and the related Memorandum of Agreement with MDOS.
13. The term “implementation plan” refers to any documents, communications, policies, or procedures which direct the SBA and its employees on how it will prepare for and perform its duties under the MOU. This includes, but is not limited to: Standard Operating Procedures, policy documents, employee training plans or schedules, instruction documents, or any other document which explains how the SBA will implement its MOU with Michigan or how employees should behave under this MOU.
14. The term “existing transcript” means any record, written document, or audio recording of the remarks of a speaker, which is presently available or for which the SBA would not have to create a new transcript.
15. The term “official calendar entries” refers to calendar entries maintained as part of the SBA’s official government work and the official duties of its employees.
16. The term “trip summary” refers to any document created concurrently or after an individual travels that would record what occurred on the trip. This can include summaries of financial expenditures, documentation of meetings and attendees, catalogs of actions taken during the employee’s travel, or any other document that describes the activities of SBA employees while on official travel.
17. The phrase “evidence sufficient to show” refers to documents that would prove the affirmative allegation or that would suggest that the negative allegation is correct. It may not be possible to provide a document which affirmatively shows that SBA was uninvolved in some specific activity; in that case, documents that suggest SBA took an alternative course of action are sufficient.