

Congress of the United States
Washington, DC 20515

July 15, 2024

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

Dear Administrator Guzman:

The House Committee on Small Business (House Committee) and the Senate Committee on Small Business and Entrepreneurship (Senate Committee) write to express their concerns regarding the Small Business Administration's (SBA) unwillingness or inability to provide responsive documents to the Committees' investigation into the SBA's Memorandum of Understanding (MOU) with the State of Michigan concerning voter registration and whether the SBA's travel is politically motivated. Over the course of the 118th Congress, the SBA has consistently delayed the production of documents and failed to provide documents responsive to both Committees' requests. Our Committees have an obligation to the American taxpayer to conduct diligent oversight.

The MOU was announced on March 19, 2024. The next day, the Administrator testified before the House Committee and was asked for information related to this MOU by House Committee Members. On April 4, 2024, the House Committee requested the MOU, background on its origins, internal and external communications related to the creation and implementation of the MOU, the implementation plans, and the interim and final reports submitted to the White House.¹ In response, the SBA provided the MOU and limited email exchanges regarding the drafting of the MOU.² To date, the SBA has failed to provide substantial communications, any implementation plan, or any of the reports submitted to the White House. Even now, three months after the initial letter was sent and nearly four months after the House Committee began asking the SBA for information on the MOU, the SBA cannot even provide a clear response on the timing of the next production.

Additionally, on April 18, 2024, the House Committee requested transcribed interviews with two individuals after allegations came to light about the SBA improperly engaging in America's electoral processes.³ After the SBA refused to make these individuals available, the House Committee was forced to compel their testimony by issuing the first two subpoenas out of this Committee in more than a decade. Rather than force the SBA to engage in depositions, the House Committee made the extraordinary accommodation to allow the subpoenaed individuals to appear voluntarily. Unfortunately, during the interviews, the individuals conveniently could

¹ 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).

² On file with the Committees.

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. 18, 2024).

not recall key information. For instance, in the interview with the SBA's Chief of Staff, in response to the House Committee's questions related to this matter, he indicated that he lacked awareness or knowledge nearly 200 times.⁴ Your Chief of Staff's substantial lack of knowledge or recollection of major actions taken at the SBA is concerning. Instead of providing answers to the House Committee's key questions, these interviews reiterated the need for documents.

In a joint letter with Senate Committee Ranking Member Ernst, on May 16, 2024, the Committees requested transcripts and reimbursement summaries for political or mixed travel, as well as calendars and travel itineraries for several senior SBA employees.⁵ In response, the SBA provided 108 pages of media advisories concerning events the Administrator had attended—which as the Committees noted to your staff, were not what the Committees requested and is not considered responsive to the request.⁶ The Committees received no calendar records and zero information related to what happened on these trips. Further, no budgeting information or documentation of any sort was provided relating to how the SBA expenses political or mixed trips. Through discussions with the Committees, the SBA indicated it would provide some of these documents in July, but again, the SBA has failed to provide documents in a timely manner.

On July 2, 2024, the SBA produced 97 pages in response to the House Committee's April 4, 2024, and April 18, 2024, letters. Unfortunately, this production only contained a single email chain, consisting of 14 emails between SBA and MDOS, which was repeated over 97 pages. This is hardly enough to satisfy the Committees' outstanding requests.

It is deeply troubling that the SBA continues to withhold documents and information, not just because it suggests that the SBA is engaged in some wrongdoing, but also because it's a direct attack on the coequal responsibilities of our respective branches of government. The SBA now manages hundreds of billions of dollars' worth of loans and has a much larger budget than it did prior to the COVID-19 pandemic. The SBA's newfound status and undeniable attempts to expand the SBA's reach even further, requires substantially more rigorous oversight than may have previously been performed. The Committees seek to work with the SBA, not fight it; however, the SBA's obstruction creates concerns over its actions and may force the Committees to use more direct means of attaining information.

The Committees' investigation of this MOU is becoming more pressing as we get closer to the election. Listed below are the Committee's outstanding requests from our April 4, 2024 letter, which have been further clarified and prioritized in order to assist the SBA in compliance with the requests. As discussed with House Committee staff, the priorities for production are: #4, #3, #1, and #2. These documents are necessary to its oversight of the SBA, and if the SBA fails

⁴ 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).

⁵ 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).

⁶ 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).

to provide a substantial, relevant, and responsive production of the below by July 29, 2024, the House Committee will evaluate the use of compulsory process.


1. All communications, including Microsoft Teams messages, between and among SBA personnel regarding E.O. 14019, voter registration, access to voting, and/or the MOU, from March 10, 2021, to present. When you produce these communications, please include a list of search terms used. In order to accommodate the fast production of responsive documents, please prioritize the production from the following custodians:
 - a. Administrator Guzman
 - b. Dilawar Syed
 - c. Arthur Plews
 - d. Quinn Carrigan
 - e. Isabelle James
 - f. Kendall Corley
 - g. Olivia Shestopal
 - h. Julie Verratti
 - i. Jennifer Kim
 - j. Victor Parker
 - k. Destine Hicks
 - l. Jessica Reeves
 - m. Remi Roberts
 - n. Scott Harriford
 - o. Mark Madrid
 - p. Tyler Robinson
 - q. Geri Sanchez Aglipay
 - r. Laketa Henderson
 - s. Taylor Wright
 - t. any individual with an intergovernmental affairs role

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 E.O. 14019, and/or the MOU, from March 10, 2021, to present. When you produce these communications, please include a list of search terms used. In order to accommodate the fast production of responsive documents, please prioritize the production of communications with the following:
 - a. The White House
 - b. Michigan Department of State including the Secretary of State
 - c. Governor Whitmer and her staff
 - d. Michigan Democratic Party
 - e. American Civil Liberties Union (ACLU)
 - f. National Urban League
 - g. Demos
 - h. Rock the Vote
 - i. National Action Network
 - j. Michigan SBDCs


- k. Michigan WBCs
 - l. Community Navigator Pilot Program Hub Organizations Operating in Michigan: City of Flint and Pontiac Community Foundation
 - m. The Racial Equity Anchor Collaborative
3. A full, unredacted copy of any implementation plans regarding this MOU.
 4. Interim and final reports drafted and submitted to the White House regarding implementation of the E.O.
 5. Evidence 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. Evidence sufficient to show whether the SBA or the Michigan Department of State initiated the engagement on the MOU.
 - a. During the House briefing on May 3, 2024, Jennifer Kim stated that the SBA “heard” that Michigan was interested and reached out to Michigan. Evidence to show this was in fact the case will be sufficient.

To the extent that SBA does not have any documents that are responsive to certain document requests set forth below, SBA should include that information in its response to the Committees. To schedule the delivery of responsive documents or ask any related follow-up questions, please contact the Committee on Small Business Majority Staff at (202) 225-5821 or the Senate Committee Minority Staff at (202) 224-5175. The House Committee on Small Business has broad authority to investigate “problems of all types of small business” under House Rule X. The Senate Committee on Small Business and Entrepreneurship has broad authority to investigate “all problems of American small business enterprises” under Rule XXV(1) of the Standing Rules of the Senate. Thank you in advance for your cooperation with this inquiry.

Sincerely,



Roger Williams
Chairman
House Committee on Small Business



Joni K. Ernst
Ranking Member
Senate Committee on Small Business
and Entrepreneurship

The Honorable Isabella Casillas Guzman

July 15, 2024

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cc: The Honorable Nydia M. Velázquez, Ranking Member
House Committee on Small Business

The Honorable Jeanne Shaheen, Chair
Senate Committee on Small Business and Entrepreneurship