

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

May 7, 2024

Mr. Arthur Plews
Chief of Staff
U.S. Small Business Administration
409 3rd Street, SW
Washington, DC 20416

Dear Mr. Plews:

The House Committee on Small Business (the Committee) is investigating the U.S. Small Business Administration's (SBA) voter registration activities. The Committee's attention was drawn to this matter after the SBA's March 19, 2024, announcement that it had entered into a new voter registration Memorandum of Understanding (MOU) with the Michigan Department of State purporting to help facilitate voter registration in the State of Michigan.¹ The MOU is the SBA's implementation of President Biden's March 2021 Executive Order on Promoting Access to Voting (E.O. 14019).²

The next day, during a Committee hearing regarding oversight of the SBA, several Committee Members expressed concerns about the timing and location of the initiative and whether the SBA is reaching beyond its statutory authority to improperly involve itself in the election process of a battleground state.³ Members asked the SBA to provide "every email and every official correspondence to small businesses and interagency on those discussions related to requesting, enticing companies to register."⁴ The SBA, to date, has failed to provide any of those documents. Further, in questions for the record submitted to the SBA after the hearing, multiple Members asked additional questions and requested additional documents around the voter registration efforts. These, to date, also remain unanswered.

On April 4, 2024, the Committee formally launched an investigation to uncover why the SBA is focusing on registering voters in Michigan while small businesses throughout the nation struggle to survive under the Biden Administration's policies. The Committee requested that the SBA produce seven categories of documents, including the MOU itself, by April 18, 2024. Unfortunately, the SBA failed to provide a briefing, narrative response, or any documents by the

¹ Press Release, U.S. Small Bus. Admin., SBA Administrator Guzman Announces Agency's First-Ever Voter Registration Agreement with Michigan Department of State (Mar. 19, 2024)

² Joseph R. Biden, Exec. Order 14019, Promoting Access to Voting, Mar. 7, 2021, 86 F.R. 13623.

³ See *Conducting Oversight: Testimony from the Small Business Administrator: Hearing Before H. Comm. on Small Bus.*, 118th Cong. (Mar. 20, 2024).

⁴ *Id.*

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deadline. The SBA eventually provided a narrative response on April 26, 2024. This response was less than a page long and was simply a regurgitation of the press release the SBA released on March 19, 2024. This so-called response did not answer any of the questions nor provide any requested documents.

The Committee sent a follow-up letter on April 18, 2024, requesting a voluntary transcribed interview with you, Mr. Plews, on May 3, 2024, after a video recording with information pertinent to the investigation was made public the previous day. In this video, SBA Special Advisor Tyler Robinson, who reports directly to you, made allegations about improper conduct at the SBA related to this investigation. When Majority staff was able to reach the SBA by telephone to discuss your availability, the SBA did not even attempt to negotiate the date or time of this interview, and instead opted to blatantly ignore the request. The SBA continued its disregard for the Chairman's request even during a conversation with Majority staff on the day before your scheduled interview, declining to provide any alternative dates you would be available. Despite the utter lack of engagement from the SBA, the Chairman elected to move forward with the interview as scheduled. As the transcript from that interview shows, the SBA failed to make you available for the interview or to even negotiate with the Committee over the date and time for a transcribed interview with you.

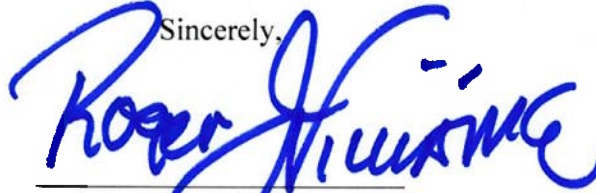
Further, two nights before your interview, the SBA emailed and said, "[w]e stand ready to brief the Committee on the MOU this Friday, May 3 via Teams...we will not be making officials available for transcribed interviews this week." The Committee accepted the briefing, which occurred on May 3, 2024. 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 as it relates to their experience with voter registration, SBA staff again shut down the questions. The SBA's refusal to make either you or your direct report, Mr. Robinson, available for interviews, or even discuss available dates, on top of SBA staff's refusal to answer basic questions in the briefing, is unacceptable. The briefing provided by the SBA staff was wholly inadequate and does not obviate the need for the Committee to receive your testimony.

The Committee on Small Business has broad authority to investigate "problems of all types of small business" under House Rule X, including the SBA's engagement in voter registration under E.O. 14019 and the MOU. Pursuant to this authority, the Committee has identified specific individuals' testimony that is necessary to conduct this constitutionally based oversight. Unfortunately, the SBA has refused to engage on these requests. To ensure there is no further undue delay and that the Committee can obtain critical testimony to evaluate legislative solutions, attached to this letter is a subpoena for you to appear for a deposition on May 23, 2024, in Washington, D.C.

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The subpoena has been 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. If you have any questions regarding this subpoena, please coordinate with Lauren Holmes, General Counsel for the majority staff, at lauren.holmes@mail.house.gov.

Sincerely,



Roger Williams
Chairman

House Committee on Small Business

SUBPOENA

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

To Arthur Plews

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: _____

Date: _____

Time: _____

- 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: 2360 Rayburn House Office Building, Washington, D.C. 20515

Date: May 23, 2024

Time: 10:00 AM ET

- 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 7th day of May, 2024.

Attest:

Kevin F. McCullen

Clerk

Roger Huntington
Chairman or Authorized Member

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5 COMMITTEE ON SMALL BUSINESS,

6 U.S. HOUSE OF REPRESENTATIVES,

7 WASHINGTON, D.C.

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12 INTERVIEW OF: ARTHUR PLEWS

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Friday, May 3, 2024

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Washington, D.C.

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The interview in the above matter was held in room 2360, Rayburn House Office

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Building, commencing at 10:04 a.m.

1 Appearances:

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4 For the COMMITTEE ON SMALL BUSINESS:

5

6 CHRIS ECKHARDT, LAW CLERK

7 LAUREN HOLMES, GENERAL COUNSEL

8 MATT VANHYFTE, DIRECTOR OF COMMUNICATIONS

9 ELLEN HARRINGTON, MINORITY DEPUTY STAFF DIRECTOR

10 MELISSA JUNG, MINORITY STAFF DIRECTOR

1

2 Ms. Holmes. We can go ahead and go on the record.

3

4 This is the scheduled transcribed interview of Arthur Plews conducted by the
5 Committee on Small Business under the authority granted under House Rule X and the
6 rules of the Committee on Small Business.

6

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

8

9 My name is Lauren Holmes, and I am the general counsel with the majority on the
10 Committee on Small Business.

10

11 For the record, starting with the majority, then minority, can additional staff
12 members please introduce themselves with their name, title, and affiliation?

12

13 Mr. Eckhardt. Christopher Eckhardt, law clerk for the majority staff of the House
14 Small Business Committee.

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15 Mr. VanHyfte. Matt VanHyfte, director of communications, Committee on Small
16 Business, majority.

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17 Ms. Harrington. Ellen Harrington, deputy staff director, Committee on
18 Small Business, minority staff.

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19 Ms. Jung. Melissa Jung, staff director, House Small Business Committee,
20 minority staff.

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21 Ms. Holmes. Thank you.

21

22 Unfortunately, the SBA has failed to make Mr. Plews available today or even enter
23 into negotiations over the date and time for this transcribed interview.

23

24 On Wednesday night, Mr. George Holman, Associate Administrator for
25 Congressional Affairs at the SBA, sent majority staff an email noting their decision not to
participate in yesterday or today's scheduled interviews.

1 I will read the email into the record. Quote:

2 "Hi, Lauren.

3 "We stand ready to brief the committee on the MOU this Friday, May 3rd, via
4 Teams. On a related note, we plan to share responsive documents related to the
5 committee's interest in the MOU soon.

6 "Separately, we will not be making officials available for transcribed interviews
7 this week. As a first step, we would appreciate the opportunity to brief your team on
8 the topics of interest to the committee. After providing a briefing on these issues, we
9 can discuss your interest in receiving additional information.

10 "Please let us know if you would like to schedule such a briefing. We look
11 forward to further discussion as the accommodations process continues and future
12 engagement with the committee. Please let me know if you have questions."

13 End quote.

14 I responded with, quote:

15 "Hi, George.

16 "We do not think a briefing will sufficiently address our concerns. The chairman
17 requested TIs and that is our continued expectation. We are always happy to negotiate
18 dates if tomorrow and Friday do not work for Mr. Robinson and Mr. Plews. However, if
19 you are unable to provide alternate dates they are available for the TIs, we will proceed
20 as scheduled."

21 End quote.

22 Despite a follow-up conversation last night between majority staff and the SBA,
23 the SBA declined to provide any alternate dates that Mr. Plews might be made available
24 for this transcribed interview.

25 Given the impasse, the chairman elected to move forward with the interview as

1 scheduled today.

2 The time is now 10:07, and the majority will begin their first hour.

3 We are here today because the committee is investigating the SBA's voter
4 registration activities. The committee's attention was drawn to this matter after the
5 SBA's March 19th, 2024, announcement that it had entered into a new voter registration
6 memorandum of understanding, or MOU, with the Michigan Department of State
7 purporting to help facilitate voter registration in the State of Michigan.

8 The MOU is the SBA's implementation of President Biden's March 2021 Executive
9 Order on Promoting Access to Voting, Executive Order 14019.

10 The next day, during a committee hearing regarding oversight of the SBA, several
11 committee members expressed concerns about the timing and location of the initiative
12 and whether the SBA is reaching beyond its statutory authority to improperly involve
13 itself in the elections process of a battleground State.

14 Members asked the SBA to provide, quote, "every email and every official
15 correspondence to small businesses and interagency on those discussions related to
16 requesting or enticing companies to register," end quote.

17 The SBA, to date, has failed to provide any of those documents.

18 Further, in questions for the record submitted to the SBA after the hearing 6
19 weeks ago, multiple members asked additional questions to make additional requests for
20 records and documents around voter registration efforts.

21 To date, these also remain unanswered.

22 On April 4th, 2024, the committee formally launched an investigation to uncover
23 why the SBA is focusing on registering voters in Michigan while small businesses
24 throughout the Nation struggle to survive under the Biden administration's policies.

25 The committee requested that the SBA produce seven categories of documents,

1 including the MOU itself, by April 18th, 2024. Unfortunately, the SBA failed to provide a
2 briefing, narrative response, or any documents by the deadline.

3 The committee sent a follow-up letter on April 18th, 2024, requesting a
4 transcribed interview with Mr. Robinson and his supervisor, Mr. Plews, after a video
5 featuring Mr. Robinson with pertinent information to the investigation was made public
6 on April 17th, 2024.

7 Rather than negotiating about the date or time of this interview, the SBA has
8 continued to blatantly ignore this request.

9 The committee is incredibly concerned that the SBA has improperly involved the
10 Federal Government in America's electoral processes.

11 Mr. Robinson confirmed on video that the SBA is campaigning for President Biden.
12 When asked, "So Guzman is indirectly campaigning for Biden?" he responded, quote,
13 "Yes. Yeah," end quote.

14 Further in the video, Mr. Robinson discusses how the SBA has worked around the
15 Hatch Act to ensure Guzman could travel across the country to help elect Democrats.

16 From the allegations made in this video, it is clear that Mr. Plews, as
17 Mr. Robinson's supervisor, has information pertinent to the investigation.

18 The committee has broad authority to investigate, quote, "problems of all types of
19 small businesses" under House Rule X, end quote, including SBA's engagement in voter
20 registration under Executive Order 14019 and the MOU.

21 Pursuant to this authority, the committee has identified specific individuals'
22 testimony that is necessary to conduct this constitutionally based oversight.

23 Unfortunately, the SBA has refused to engage on these requests.

24 To ensure there is no further undue delay and that the committee can obtain
25 critical testimony to evaluate legislative solutions, this serves as notice to the minority of

1 the chairman's intent to subpoena Mr. Plews for testimony.

2 We have no further questions, and the minority has declined to speak. So we
3 can go off the record.

4 [Whereupon, at 10:10 a.m., the interview was concluded.]

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