HOUSE COMMITTEE ON
SMALL BUSINESS
CHAIRMAN ROGER WILLIAMS
EST. 1941

Weaponizing Federal Resources:

Interim Findings on the SBA's Michigan Voter Registration Scheme

The House Committee on Small Business
Interim Staff Report 2024

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I. Executive Summary

The House Committee on Small Business (the Committee) is charged with investigating all "problems of all types of small business" under House Rule X. As part of this responsibility, the Committee has been investigating the Small Business Administration's (SBA) implementation of Executive Order 14019, *Promoting Access to Voting* (E.O. 14019); a Memorandum of Understanding and Memorandum of Agreement (collectively referred to as the "MOU") between the SBA and the Michigan Department of State (MDOS); and allegations of partisan political activity at the SBA.

The Committee's investigation into these matters began in April 2024. Throughout the course of this investigation, the Committee has sent 8 letters, issued 3 subpoenas, reviewed over 10,100 documents, conducted 2 transcribed interviews consisting of over 10 hours of testimony from SBA officials, and have discussed these topics at 4 hearings, totaling over 6 hours of questioning from Committee members.

It is imperative to recognize the SBA's lack of transparency with the Committee regarding this investigation. While there is more information the SBA must provide in compliance with the Committee's outstanding subpoena, the Committee now remits this interim report on its present findings until such a time where the subpoenaed information is provided.

Finding 1: E.O. 14019 is an improper use of executive authority, and agency actions under this E.O. pose unnecessary risks to the integrity of U.S. elections.

Finding 2: The SBA's MOU with the State of Michigan and travel patterns of senior SBA officials indicate the conflation of official duty and partisan political activities. Either intentionally or negligently, the SBA has failed to refute concerns of this MOU's partisan nature.

Finding 3: The SBA has engaged in a protracted campaign to obscure the makeup of its implementation of E.O. 14019 and obfuscate the truth of alleged political activities at the SBA to the Committee.

Finding 4: The SBA, an agency created to aid and assist small businesses, has strayed from its core mission.

Finding 5: To agree and participate in this MOU, the SBA pushed the bounds of, if not exceeded, the requirements of numerous Federal and state laws, including the National Voter Registration Act of 1993 (NVRA), the Anti-Deficiency Act, the Hatch Act, the Administrative Procedure Act (APA), and Michigan state law.

II. Background

a. National Voter Registration Act of 1993, Executive Order 14019, and the SBA's MOU with the State of Michigan

On March 19, 2024, the SBA announced a "first of its kind" MOU with the Michigan Department of State purporting to help to facilitate voter registration in the State of Michigan.[1] The next day during this Committee's hearing with the SBA Administrator, Isabella Guzman, several Committee members expressed concern over the political nature of the MOU.[2] On April 4, 2024, the Committee formally launched an investigation into the MOU and the SBA's voter registration activities with the goal of ensuring the Agency is not directing resources away from Main Street America to register voters in Michigan.[3]

This MOU is the SBA's implementation of the Biden-Harris Administration's March 2021 Executive Order *Promoting Access to Voting*, which implements the National Voter Registration Act of 1993 (NVRA).[4] The NVRA charges each state with the responsibility of designating "voter registration agencies" (VRAs) that perform voter registration activities for that state's election system, and permits Federal and nongovernmental entities to accept a state's designation as a VRA "with [the] agreement of such offices."[5] The Act is intended as a tool which states can elect to affirmatively request a Federal entity to be a VRA in that state. The SBA explicitly confirmed this premise by stating "Congress authorized the practice of *a state requesting* that Federal agency be designated as a voter registration agency" under the NVRA.[6]

For the first time in nearly 30 years, E.O. 14019 changed the executive branch's implementation of the NVRA by broadening the role of Federal entities in a state's administration of an election. Since the NVRA was passed, the Federal government's policy encouraged agencies to accept a designation "if agreement is consistent with the department's, agency's, or entity's legal authority and availability of funds."[7] The Biden-Harris Administration's E.O. 14019, however, removes the considerations for available funds and legal authority from the relevant section, and now commands Federal entities to accept a state's VRA designation or provide an explanation to the President for the decision to decline it.[8]

Additionally, E.O. 14019 commands the heads of agencies to consider ways of distributing and assisting applicants with completing voter registration and vote-by-mail ballot application forms, as well as soliciting and facilitating White House approved third-party organizations and state officials to provide voter registration services on Federal agency premises.[9] Finally, E.O. 14019 requires the heads of executive agencies to work with the White House Domestic Policy Council (DPC) to strategize ways to support Federal employees who wish to volunteer to serve as poll workers or observers, particularly during early or extended voting periods.[10] E.O. 14019's new policy greatly expands the NVRA, exceeds the Act's original intent, and opens the door for the President, via Federal agencies, to improperly involve executive branch employees in a state's administration of an election.

The concept and design of E.O. 14019, however, did not originate from the Biden-Harris Administration.

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[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] *See Conducting Oversight: Testimony from the Small Business Administrator: Hearing Before H. Comm. on Small Bus.*, 118th Cong. (Mar. 20, 2024) (statements of Dan Meuser, Member, H. Comm. on Small Bus., Pete Stauber, Member, H. Comm. on Small Bus).
[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] *See* Exec. Order No. 14019, 86 Fed. Reg. 13623, 13624 (Mar. 7, 2021).
[5] 52 U.S. § 20506(B)(ii).
[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. (Apr. 26, 2024) (emphasis added).
[7] Exec. Order No. 12926, 59 Fed. Reg. 47227 (Sep. 14, 1994).
[8] Exec. Order No. 14019, 86 Fed. Reg. 13623 (Mar. 7, 2021).
[9] *Id.*, at 13623-24.
[10] *Id.*, at 13625.

Rather, E.O. 14019 was conceptualized by Demos, a left-wing think tank, that works to "pioneer bold, progressive ideas, reinforce them with original research and analysis, and equip grassroots partner organizations to move them into practical reality."[11] In December of 2020, Demos released a policy brief entitled "Executive Action to Advance Democracy: What the Biden-Harris Administration and the Agencies Can Do to Build a More Inclusive Democracy."[12] Written in response to the alleged "assault on our democracy over the last 4 years," referring to the Trump Administration, the first recommendation Demos made to the Biden-Harris Administration was to "direct Federal agencies to provide voter registration."[13] Demos specifically elaborated:

> The Biden-Harris Administration can make voting more accessible by directing specified Federal agencies, in their administration of Federal programs, to act as voter registration agencies, including providing voter registration applications, assisting clients to complete applications, and transmitting completed applications to state authorities.[14]

This interim report will illustrate how the Biden-Harris Administration and the SBA have implemented this left-leaning think tank's recommendation with the State of Michigan.

Since the start of the Committee's investigation, lawsuits challenging E.O. 14019 have been filed, and various secretaries of state have taken measures to limit E.O. 14019's reach into their state government's role in administering elections. For instance, on June 28, 2024, the Indiana Secretary of State directed over 100 Federal agencies to cease unauthorized involvement in voter registration activities in the State of Indiana.[15] On July 15, 2024, the Republican National Committee (RNC) filed a lawsuit against Michigan state officials as well as Administrator Guzman and the Secretary of Veterans Affairs for their voter registration activities in the State of Michigan.[16] Additionally, on August 14, 2024, nine state attorney generals filed a similar lawsuit against President Biden and his cabinet challenging the constitutionality of E.O. 14019.[17]

In response to widespread concern and mounting legal actions concerning E.O. 14019, the Biden-Harris Administration has limited transparency of federal agencies' plans to implement the E.O., preventing the American people from knowing the truth about the use of their taxpayer dollars, or what the Biden-Harris Administration's plans to involve the Federal government in elections include.[18]

While the idea of assisting Americans seeking to register to vote is certainly positive, the Committee has substantial concerns that the SBA's MOU and E.O. 14019 drastically intertwine the executive branch in the elections process. Specifically, these efforts unnecessarily blur the line between an agency official's personal political views and nonpolitical duties, and will inevitably result in partisan outcomes. These concerns proved to be well-founded, as a review of the MOU's design show the SBA's in-person voter registration activities will not take place where voter registration is needed, nor reach existing small businesses in Michigan. Additionally, because the SBA does not have unlimited resources, the Agency cannot universally implement E.O. 14019 across all states and all Americans. Thus, the SBA must make decisions that could tip the scales of democracy, and by doing so, implement E.O. 14019 in a potentially partisan fashion.

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[11] *About Demos*, Demos (last visited Sep. 12, 2024), https://www.demos.org/about.
[12] Demos, Executive Action to Advance Democracy: What the Biden-Harris Administration and the Agencies Can Do to Build a More Inclusive Democracy (Dec. 3, 2020).
[13] *Id.*
[14] *Id.*
[15] *See* Leslie Bonilla Muniz, *Indiana elections chief directs 100+ federal agencies to halt alleged 'unauthorized involvement'*, Indiana Capital Chronicle (Jul. 3, 2024).
[16] *See* Dareh Gregorian and Selina Guevara, *Trump campaign sues Michigan Gov. Whitmer over new voter registration site*s, NBC News (July 15, 2024).
[17] M.D. Kittle, *States File Federal Lawsuit to Shut Down 'Bidenbucks'*, The Federalist (Aug. 14, 2024). States include Montana, Kansas, Iowa, South Dakota, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina. *Id.*
[18] *Foundation for Gov't Accountability v. U.S. Dept. of Justice*, 2:22-cv-00252-JLB-KCD (M. D. Fl. May 28, 2022) (Document 78-1) (on file with the Committee).

Regardless of the SBA's intent, the Agency involving itself in the election process inherently presents concerns of partisanship and would require a substantial amount of effort by the SBA to mitigate the many potential partisan concerns arising under this MOU. Further, in expanding the executive branch's role in elections, it is easy to see how newfound powers under E.O. 14019 could be abused by whomever is the incumbent president, without a single change in Federal election laws.

b. The Context of SBA's MOU with the State of Michigan and Partisanship Concerns

Given the widespread concern regarding E.O. 14019 and its potential for abuse, the Committee was highly skeptical of the SBA's MOU with Michigan from the day of its announcement. These concerns were amplified when the Committee discovered the MOU was signed mere days after the Biden-Harris campaign announced it will be establishing over 15 field offices across Michigan.[19] Michigan was critical to both President Biden and Vice President Harris's presidential campaigns.[20] At the time of the MOU's announcement, the Biden-Harris Administration's approval ratings in Michigan were deteriorating, making this MOU even more suspicious.[21]

The importance of Michigan in the 2024 general election and the Committee's initial concerns about the MOU were compounded by the sympathy of Michigan officials for Vice President Harris's campaign. The Governor of Michigan, Gretchen Whitmer, served as the Co-Chair of the Harris presidential campaign.[22] Additionally, two weeks before the MOU was signed, Michigan Secretary of State Jocelyn Benson, stated that several battleground secretaries of state are united against "a common adversary," referring to the 2024 Republican presidential candidate, Donald Trump.[23] The Committee does not dispute that public officials are entitled to have their personal political beliefs. However, this interim report illustrates how the MOU blurs the line between personal political beliefs and the official duties of SBA and Michigan state employees.

Furthermore, the Committee seriously questions the SBA's rationale behind selecting Michigan for this MOU. If the SBA's intent was genuinely about increasing voter registration, the Agency would have partnered with a state that has low voter participation and difficulty registering voters. Instead, the SBA solicited Michigan, which Secretary Benson has boasted as the second best-administered election system in the nation according to the MIT Election Data and Science Lab.[24] In addition to the SBA's diversion of already limited resources to engage in voter registration activities in Michigan, Secretary Benson's announcement amplified the Committee's skepticism of the SBA's rationale in selecting Michigan. It is clear to the Committee that Michigan is a state that needs no help in registering voters, and the SBA's solicitation of Michigan likely had to do with the State's significance to the Biden and Harris 2024 presidential campaigns. To date, the SBA has failed to provide any evidence to refute that the Agency selected Michigan, at least in part, because of the state's significance in the 2024 presidential election.

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[19] *See Biden campaigns in Michigan in latest visit to battleground state*, The Wash. Post (Mar. 14, 2024). *See* Joey Cappelletti, *Biden visits Michigan county emerging as the swing state's top bellwether*, AP News (Mar. 14, 2024) ("Top Biden advisors, both from the campaign and the White House, have traveled frequently over the past several months to places like Dearborn, a Detroit suburb with the nation's highest concentration of Arab Americans, in their efforts to win back what had been a reliably Democratic constituency . . . Biden's team is keenly aware of the pushback his reelection has encountered in certain minority communities in Michigan. [Biden's March 14th visit is his] second in six weeks, and his team is establishing over 15 field offices across Michigan, including Saginaw.").

[20] For instance, a Biden-aligned nonprofit, which launched a voting rights initiative, identified Michigan as an "initial priority state." Zach Montellaro, *Biden-aligned nonprofit launches voting rights initiative*, Politico (Apr. 28, 2021).

[21] Joey Cappelletti, *Biden visits Michigan county emerging as the swing state's top bellwether*, AP News (Mar. 14, 2024).

[22] Tim Hains, *Michigan Gov. Gretchen Whitmer: Proud to be Co-Chair of the Kamala Harris Campaign*, Real Clear Politics (Jul. 22, 2024).

[23] The Midwesterner (@Th_Midwesterner), Twitter (Mar. 5, 2024, 11:56 AM), https://x.com/Th_Midwesterner/status/1765058881871311148.

[24] Press Release, Michigan Dep't of State, Secretary Benson announces Michigan's elections ranked #2 in the nation by MIT Election Data and Science Lab (Mar. 22, 2024).

Within weeks of the Committee learning about the MOU, a hidden-camera video of Tyler Robinson, former Special Assistant to Administrator Guzman, was released containing allegations of partisan activity at the SBA prohibited by the Hatch Act.[25] Specifically, in the video, Mr. Robinson alleged that senior officials in the Biden-Harris White House allegedly "authorized [Administrator Guzman] to go campaign" for Democrat members of Congress in contested races, because the SBA "can help [those members] get *reelected as well*," and to not invite Republican senators or members of Congress.[26] Among other things, Mr. Robinson alleged that Administrator Guzman has traveled across the country to battleground states "indirectly campaigning" for President Biden—allegedly making statements such as: "because we [the Biden-Harris Administration] passed this law *that no Republicans voted for, that only Democrats voted for and passed*" the local community is receiving an "investment" from the Biden-Harris Administration.[27]

Such activities implicate the Hatch Act, which generally prohibits Federal executive branch employees from engaging in partisan political behavior and provides for limited circumstances in which certain employees may participate in such activities.[28] As a result, the Committee broadened this investigation to include the alleged partisan political travel and activities of employees at the SBA. As discussed in this interim report, the combination of the alleged partisan political activities and the SBA's MOU with the State of Michigan sounded alarms with the Committee. Since the Committee broadened the scope of this investigation, the Office of Special Counsel (OSC) has informed the Committee that it is probing similar allegations involving the SBA.

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[25] *See* James O'Keefe (@JamesOKeefeIII), Twitter (Apr. 17, 2024, 3:57 PM), https://x.com/JamesOKeefeIII/status/1780687148527579215.

[26] *Id.*

[27] *Id.*

[28] 5 USC § 7324(b)(1)-(2); U.S. Office of Special Counsel, OSC Advisory Regarding Mixed Travel by Presidentially-Appointed / Senate Confirmed (PAS) Employees, 1 (Oct. 6, 2011). *See also* Whitney K. Novak, Cong. Research Serv. IF11512, The Hatch Act: A Primer (Apr. 20, 2020).

III. SBA's Implementation of E.O. 14019 and Activities in Michigan

a. Summary of the SBA's MOU

The MOU between the SBA and the State of Michigan allows for a variety of new ways the two entities can orchestrate voter registration. The MOU provides for the SBA to engage in three main categories of voter registration activities through January 1, 2036: (1) connecting with voters, (2) disseminating a URL for Michigan online voter registration forms when providing SBA services and facilitating the secure transmission of such forms to MDOS, and (3) inviting MDOS personnel to in-person small business outreach events to register attendees.

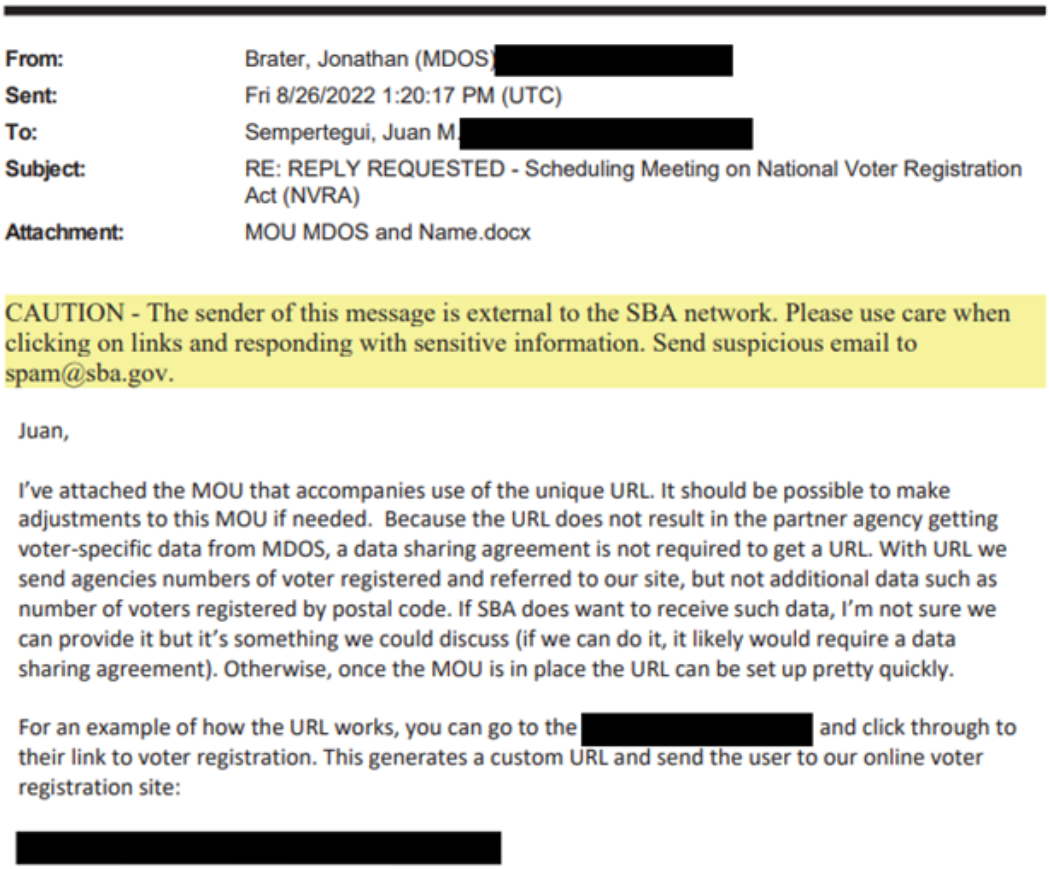
Under the MOU, the SBA connects MDOS with voters to get them registered through preexisting channels of communication. At the outset, the MOU tasks the SBA with providing "voter registration training to all personnel conducting activities under this MOU."[29] The SBA is then responsible to "provide the same level of assistance to all applicants in completing voter registration application forms as is provided with respect to other non-VRA services provided by the Agency (unless the applicant specifically refuses such agency assistance)."[30] Additionally, the SBA "may provide additional assistance or services at its discretion" under the MOU.[31]

In addition to connecting with voters for the purposes of voter registration, the SBA is also required to "make available electronic voter registration application forms via [a unique URL that redirects users] . . . to the State of Michigan's online voter registration page."[32] Under the MOU, the SBA must also "accept completed registration forms from applicants through the unique URL . . . and transmit each completed voter registration application to the appropriate election official. . . ."[33] While documents reviewed by the Committee illustrate that URLs similar to the one employed by SBA "does not [usually] result in the partner agency getting voter-specific data from MDOS," or require a data sharing agreement, MDOS left the opportunity open to the SBA by noting "if SBA does want to receive such data . . . it's something we can discuss."[34] In the final version of the MOU, it appears SBA does receive some data. The MOU specifically states that "MDOS shall provide the agency with metrics *including but not limiting to* . . . total of persons who were driven to MDOS online voter registration site and completed the form via the unique URL."[35] Additionally, the MOU provides for data and privacy policies, imposing requirements on the SBA to protect the data it receives as a VRA, create a security policy pertaining to the data, and implement administrative, physical, and technical safeguards.[36] Such enumerated provisions of the MOU indicate that voter-specific data is likely shared between MDOS and the SBA. To date, the SBA has failed to provide any evidence to the contrary.

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[29] U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).
[30] *Id.* The SBA will provide electronic voter registration services under the MOU during lending transactions (funding opportunities, loan applications, etc.). *Id.*
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] Email from Jonathan Brater, Director of Elections, Michigan Dep't of State, to Juan Semertegui, Dep. General Counsel, Off. General Counsel, U.S. Small Bus. Admin. (Aug. 26, 2022, 1:20 PM) (on file with the Committee).
[35] U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).
[36] *Id.*

Figure 1: Email Between SBA and MDOS Officials Regarding Online Voter Registration Data [37]



From: Brater, Jonathan (MDOS) [redacted]
Sent: Fri 8/26/2022 1:20:17 PM (UTC)
To: Sempertegui, Juan M. [redacted]
Subject: RE: REPLY REQUESTED - Scheduling Meeting on National Voter Registration Act (NVRA)
Attachment: MOU MDOS and Name.docx

CAUTION - The sender of this message is external to the SBA network. Please use care when clicking on links and responding with sensitive information. Send suspicious email to spam@sba.gov.

Juan,

I've attached the MOU that accompanies use of the unique URL. It should be possible to make adjustments to this MOU if needed. Because the URL does not result in the partner agency getting voter-specific data from MDOS, a data sharing agreement is not required to get a URL. With URL we send agencies numbers of voter registered and referred to our site, but not additional data such as number of voters registered by postal code. If SBA does want to receive such data, I'm not sure we can provide it but it's something we could discuss (if we can do it, it likely would require a data sharing agreement). Otherwise, once the MOU is in place the URL can be set up pretty quickly.

For an example of how the URL works, you can go to the [redacted] and click through to their link to voter registration. This generates a custom URL and send the user to our online voter registration site:

[redacted]

The MOU also provides that the SBA "may invite MDOS to various in-person events to allow MDOS to register attendees to vote [and] will provide logistical support."[38] During a May 3, 2024, briefing with Committee staff, Jennifer Kim, the Associate Administrator of the SBA's Office of Field Operations tasked with leading the SBA's implementation of E.O. 14019, could not provide a clear definition of "in-person" events under the MOU. Initially, Ms. Kim stated the MOU refers to only SBA—or SBA co-sponsored events—excluding the possibility of any events hosted by resource partners.[39] However, after questioning by Committee staff, Ms. Kim backtracked her initial statement and informed the Committee that in-person events hosted by resource partners receiving SBA funding are also included in the MOU.[40]

The Committee recognizes the MOU also includes language prohibiting certain political conduct of SBA officials in performing the obligations of the agreement. Specifically, the MOU prohibits SBA officials from "seeking to influence an applicant's political preference [or] displaying any political preference or party allegiance," among other things.[41] This nonpartisan sentiment is consistent with statements made by SBA officials to the Committee during this investigation.[42] However, this interim report illustrates how mere language in the MOU is an inadequate safeguard against partisan outcomes. Either intentionally or not, the MOU's design enables SBA officials to both comply with the MOU's language prohibiting partisan political activity and still

[37] The White House, *Listening Session on Implementation of Executive Order 14019, Federal Agencies and Civil and Voting Rights Organizations, Agenda* (Jul. 12, 2021) (on file with Committee).
[38] U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).
[39] *Staff Briefing Between the Small Bus. Admin. and Staff of the H. Comm. on Small Bus.*, 118th Cong. (May 3, 2024) (statement of Jennifer Kim, Associate Adm'r, Office of Field Operations).
[40] U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).
[41] *Id.*
[42] *See e.g., Staff Briefing Between the Small Bus. Admin. and Staff of the H. Comm. on Small Bus.*, 118th Cong. (May 3, 2024) (statement of Jennifer Kim, Associate Adm'r, Office of Field Operations).

result in partisan outcomes.

b. Michigan State Law Concerns

As discussed above, the NVRA relies upon the individual states—and their own laws—to designate Federal agencies as VRAs under the NVRA. In the State of Michigan, the state legislature has the authority under the Michigan state constitution to make such designations.[43] Exercising that authority, the state legislature created a statutory framework to designate VRAs in the State of Michigan following the passage of the NVRA. In 1995, the Michigan legislature passed a state statute authorizing the Governor "[no] later than the thirtieth day after the effective date of this section … [to] provide a list to the Secretary of State designating the executive departments, state agencies, or other offices that will perform voter registration activities in this state. . . ."[44] Notably, the Michigan legislature neither delegated this authority indefinitely nor provided the Michigan Secretary of State the authority to designate Federal agencies as VRAs, including the SBA or U.S. Department of Veterans Affairs (VA).[45]

The Michigan statute expressly limited the Governor's ability to unilaterally designate VRAs to thirteen days after the effective date of Michigan's implementing statute.[46] Hence, the unambiguous text of the statute indicates that the Governor of Michigan had the authority to designate "other offices," including Federal agencies, for thirteen days after January 10, 1995, and not after.[47] To the Committee's knowledge, no Michigan Governor had designated any agency as a VRA since the initial designations were made following the passage of the NVRA and subsequent Michigan state legislation until the VA in 2023. The SBA MOU was signed nearly *thirty years* after the expiration of the Governor's authority to unilaterally designate VRAs by executive directive.

c. The SBA's Actions Under E.O. 14019 are Improper Uses of Executive Authority

The SBA's approach to establishing the MOU with the State of Michigan directly contradicts with the NVRA's provisions. Although the NVRA allows for the narrow circumstance where a state government can request Federal agencies become voter registration agencies, the Committee's investigation suggests that the State of Michigan made no such request.[48] In fact, the SBA *requested* to be a voter registration agency, the exact opposite of what the NVRA provides for.[49] This was confirmed by Ms. Kim during a May 3, 2024, briefing with the Committee.[50]

Setting aside the apparent 29-year expiration of authority under Michigan law noted above, *even if* the Governor had the authority to designate VRAs in 2024 by executive directive, no such directive existed on March 18, 2024, when the SBA MOU was signed. The Committee noticed this difference with a similar voter registration MOU between the State of Michigan and the VA, where the relevant executive directive is referenced.[51] The SBA's MOU merely contains loose references to the executive power of the Governor of Michigan including past executive directives, but cites no explicit authority for the Governor to enter or make

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[43] *See* Mich. Const. 1963, art. 2, § 4(2) ("The legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting.").
[44] Mich Comp. Laws § 168.509u(1).
[45] Mich Comp. Laws § 168.509n.
[46] Mich Comp. Laws § 168.509u(1).
[47] *Id.*
[48] Exec. Order No. 14019, 86 Fed. Reg. 13624 (Mar. 7, 2021).
[49] *See* Press Release, The White House, FACT SHEET: The Biden-Harris Administration is Taking Action to Restore and Strengthen American Democracy (Dec. 8, 2021).
[50] *Staff Briefing Between the Small Bus. Admin. and Staff of the H. Comm. on Small Bus.*, 118th Cong. (May 3, 2024) (statement of Jennifer Kim, Associate Adm'r, Office of Field Operations).
[51] *See* U.S. Dep't of Veterans Affairs, *Interagency Agreement between the Michigan Department of State and the Department of Veterans Affairs* (Sep. 14, 2023) (on file with the Committee).

this MOU.[52] This is because the executive directive designating the SBA didn't exist until June 2024, three months after the MOU was signed.[53]

In summation, neither party to the MOU are adhering to the authority granted by their respective legislatures. The SBA is operating outside of its authority under the NVRA by soliciting the State of Michigan's designation as a VRA. The Governor of Michigan appears to be acting beyond the scope of what the Michigan legislature authorized, because no Michigan law was passed designating the SBA as a VRA, and the Governor's unilateral authority to designate the SBA as a VRA expired in 1995.

The timing of the MOU's signing, and announcement also suggests improper use of executive authority by coordinating with the Biden-Harris reelection campaign. Documents reviewed by the Committee indicate that the SBA's MOU was going to be announced with the VA's designation as a Michigan VRA in December 2023.[54] Despite these plans, from December 2023 until just before March 2024, there was a large gap in communication between the SBA and MDOS, according to the communications the Committee has reviewed. On March 8, 2024, Ms. Kim indicated the SBA "is good to do an announcement on [the] MOU signing with [MDOS] late next week and we can wait on the Governor's EO if that can't happen as quickly."[55] SBA officials then followed up with MDOS stating "ideally, we'd get this [announcement] out Thursday," March 14, 2024.[56]

This email exchange between the SBA and MDOS confirmed the SBA's apparent disregard for legal considerations, regardless of their validity, to cater to the Biden-Harris campaign. The Committee discovered that, on March 8, 2024, the same day Ms. Kim reached out to MDOS to get the MOU signed and announced, the Biden-Harris campaign announced a campaign trip to Saginaw, Michigan.[57] The documents also revealed that the SBA's target date of announcing the MOU was the same day of a Biden-Harris campaign visit to Michigan, where the campaign announced it would be establishing over 15 field offices across the State.[58]

This is not the first attempt where the SBA or Michigan officials attempt to coordinate with the White House or Vice President Harris. Documents obtained by the Committee also revealed that Governor Gretchen Whitmer's office—the Co-Chair of the Harris presidential campaign—was "in touch" with the White House and Vice President Harris's office for the signing of a December 2023 Executive Directive designating both the SBA and VA as VRAs.[59] These examples raise one of the Committee's core concerns that, not only was the MOU beyond the scope of authority for the SBA to enter into, but the MOU inherently entangles the SBA and their core duties to support small businesses with partisan political activities.

The Committee is also concerned by the apparent improper entanglement of the SBA, a nonpartisan Federal agency, with left-leaning organizations in the Agency's implementation of E.O. 14019. On July 12, 2021, the Biden-Harris Administration held a White House meeting with agencies and representatives from civil rights "umbrella organizations" describing "affirmative opportunities for [agencies to participate in] voter

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[52] *See* U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with the Committee).
[53] Office of the Governor, State of Michigan, Executive Directive No. 2024-3, Updating Michigan's List of Voter Registration Agencies (Jun. 20, 2024).
[54] E-mail from Karen Kudelko, Senior Deputy Director, Federal Affairs, Office of Governor Gretchen Whitmer, to Laketa Henderson, Michigan District Director, U.S. Small Bus. Admin., et al. (Dec. 14, 2023, 10:07 AM) (on file with the Committee).
[55] E-mail from Jennifer Kim, Associate Adm'r, Office of Field Operations, U.S. Small Bus. Admin, to Meghan Schaar, Associate Legal Director, Michigan Dep't of State (Mar. 8, 2024, 12:31 PM) (on file with the Committee).
[56] E-mail from Rebecca Galanti, Press Secretary, U.S. Small Bus. Admin, to Jonathan Brater, Director of Elections, Michigan Dep't of State, et al (Mar. 12, 2024, 2:31 PM) (on file with the Committee).
[57] Jordyn Hermani, *Joe Biden plans Michigan campaign stop in Saginaw, which picks winners*, Bridge Michigan (Mar. 8, 2024).
[58] *See Biden campaigns in Michigan in latest visit to battleground state*, The Wash. Post (Mar. 14, 2024); *See* Joey Cappelletti, *Biden visits Michigan county emerging as the swing state's top bellwether*, AP News (Mar. 14, 2024).
[59] E-mail from Karen Kudelko, Senior Deputy Director, Federal Affairs, Office of Governor Gretchen Whitmer, to Laketa Henderson, Michigan District Director, U.S. Small Bus. Admin., (Oct. 26, 2023, 10:42 AM) (on file with the Committee).

registration."[60] These left-leaning organizations include but are not limited to Demos and the American Civil Liberties Union (ACLU).[61] Demos does not reasonably self-identify as a non-partisan organization on its website, and touts how it "has moved progressive issues from the movement to the mainstream."[62] While the ACLU explicitly states it is "non-profit and non-partisan," it has taken a left-leaning position on voting issues by endorsing Demos's concept of E.O. 14019, and have taken steps to assist Federal agencies insert themselves into the election process, a responsibility primarily reserved to the states by the U.S. Constitution.[63]

Both organizations—Demos and the ACLU—took a primary role in advising the Biden-Harris Administration's efforts to register voters under E.O. 14019. For instance, during the July 12, 2021, White House roundtable meeting on E.O. 14019, Demos and the ACLU presented ways various agencies—including the SBA—could leverage their current operations to facilitate voter registration. Most alarmingly, Laura Williamson, on behalf of Demos, stated "don't stop at voter registration… It's just the first hurdle."[64]

Figure 2: White House Meeting Agenda with Civil Rights Organizations About Affirmative Opportunities for Voter Registration [65]

Listening Session on Implementation of Executive Order 14019
Federal Agencies and Civil and Voting Rights Organizations
July 12, 2021

AGENDA

1. Welcome - Jesselyn McCurdy, The Leadership Conference, and Justin Leavitt, Domestic Pc Council (3 minutes)
2. Agency Roll Call (10 minutes)
3. Prepared Items (40 minutes)
   a. Voting rights for those incarcerated in federal custody
      i. Keeda Haynes, The Sentencing Project
      ii. Zara Haq, ACLU
      iii. Dana Paikowsky, Campaign Legal Center
   b. Language access
      i. Terry Ao Minnis, Asian Americans Advancing Justice
      ii. Ryan Suto, Arab American Institute
      iii. José Morales, Fair Fight Action
   c. Vote by mail; election worker issues
      i. José Morales, Fair Fight Action
   d. Promoting voting among people with disabilities
      i. Michelle Bishop, National Disability Rights Network
      ii. Rachita Singh, American Association of People with Disabilities
   e. Access for Native Americans
      i. Jacqueline De Leon and Samantha Kelty, Native American Rights Fund
   f. NVRA compliance, registration at citizenship ceremonies (USCIS), Brnovich fixes
      i. Celina Stewart and Jessica Jones Capparell, League of Women Voters
   g. Affirmative opportunities for voter registration
      i. Sarah Brannon and Ceridwen Cherry, ACLU (HHS, DOE, IRS, SSA)
      ii. Laura Williamson, Demos (USCIS, HUD, IHS)
   h. Immigration and citizenship issues
      i. Nik Youngsmith, MALDEF
   i. Role of business in supporting voting rights
      i. Richard Eidlin, Business for America
4. Open Discussion (35 minutes)
5. Close and Thank You - Jesselyn and Justin (2 minutes)

[60] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (Jul. 2, 2021, 4:15 PM) (on file with the Committee); The White House, *Listening Session on Implementation of Executive Order 14019, Federal Agencies and Civil and Voting Rights Organizations, Agenda* (Jul. 12, 2021) (on file with Committee).

[61] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, the White House to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (Jul. 12, 2021, 5:03 PM) (on file with the Committee) (attached roster of attendees on file with the Committee).

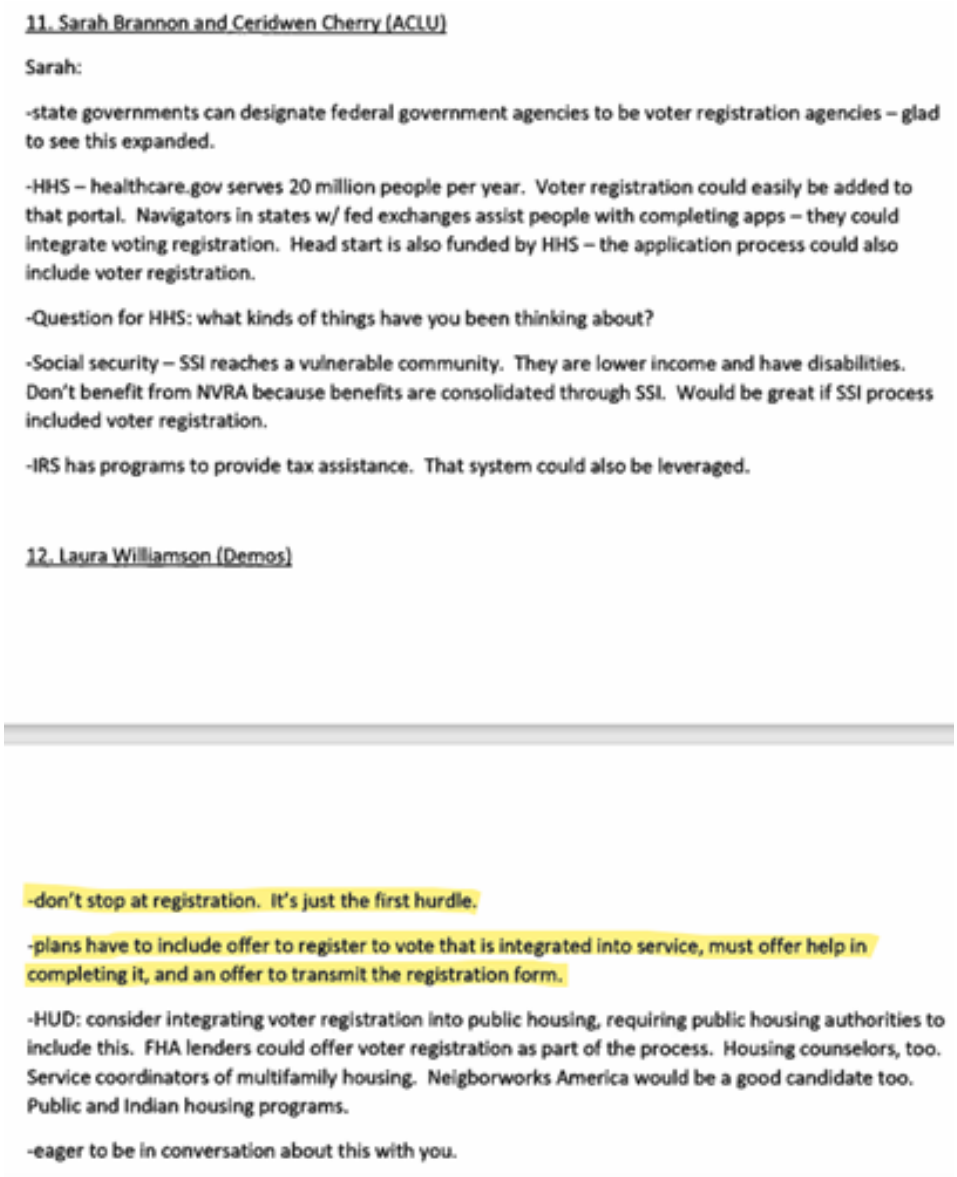
[62] *About Demos*, Demos (last visited Sep. 12, 2024), https://www.demos.org/about.

[63] *ACLU History*, Am. Civil Liberties Union, (last visited Oct. 18, 2024), https://www.aclu.org/about/aclu-history.

[64] The White House, *Voting EO – Stakeholder Engagement Listening Session w/ Voting Rights Advocates – July 12, 2021* (Jul. 12, 2021) (on file with the Committee).

[65] The White House, *Listening Session on Implementation of Executive Order 14019, Federal Agencies and Civil and Voting Rights Organizations, Agenda* (Jul. 12, 2021) (on file with Committee).

Figure 3: Demos and ACLU Talking Points at the July 12, 2021, White House E.O. 14019 Roundtable with Voting Rights Activists [66]



11. Sarah Brannon and Ceridwen Cherry (ACLU)

Sarah:

-state governments can designate federal government agencies to be voter registration agencies – glad to see this expanded.

-HHS – healthcare.gov serves 20 million people per year. Voter registration could easily be added to that portal. Navigators in states w/ fed exchanges assist people with completing apps – they could integrate voting registration. Head start is also funded by HHS – the application process could also include voter registration.

-Question for HHS: what kinds of things have you been thinking about?

-Social security – SSI reaches a vulnerable community. They are lower income and have disabilities. Don't benefit from NVRA because benefits are consolidated through SSI. Would be great if SSI process included voter registration.

-IRS has programs to provide tax assistance. That system could also be leveraged.

12. Laura Williamson (Demos)

-don't stop at registration. It's just the first hurdle.

-plans have to include offer to register to vote that is integrated into service, must offer help in completing it, and an offer to transmit the registration form.

-HUD: consider integrating voter registration into public housing, requiring public housing authorities to include this. FHA lenders could offer voter registration as part of the process. Housing counselors, too. Service coordinators of multifamily housing. Neigborworks America would be a good candidate too. Public and Indian housing programs.

-eager to be in conversation about this with you.

The Committee discovered that many senior SBA employees have relationships with these left-leaning organizations. For instance, Julie Verratti and Victor Parker of the SBA's Office of Field Operations is on official SBA emails with White House personnel to participate in White House facilitated meetings with these civil rights "umbrella organizations" about E.O. 14019.[67] More recently, in 2024, Ms. Kim participated in a meeting with the ACLU, who participated in the White House meetings and took a lead role for the entire Biden-Harris Administration to implement E.O. 14019 across the agencies.[68] Notably, the Biden-Harris Administration "warmly welcomed" these relationships between nonpartisan agencies and left-leaning organizations.[69]

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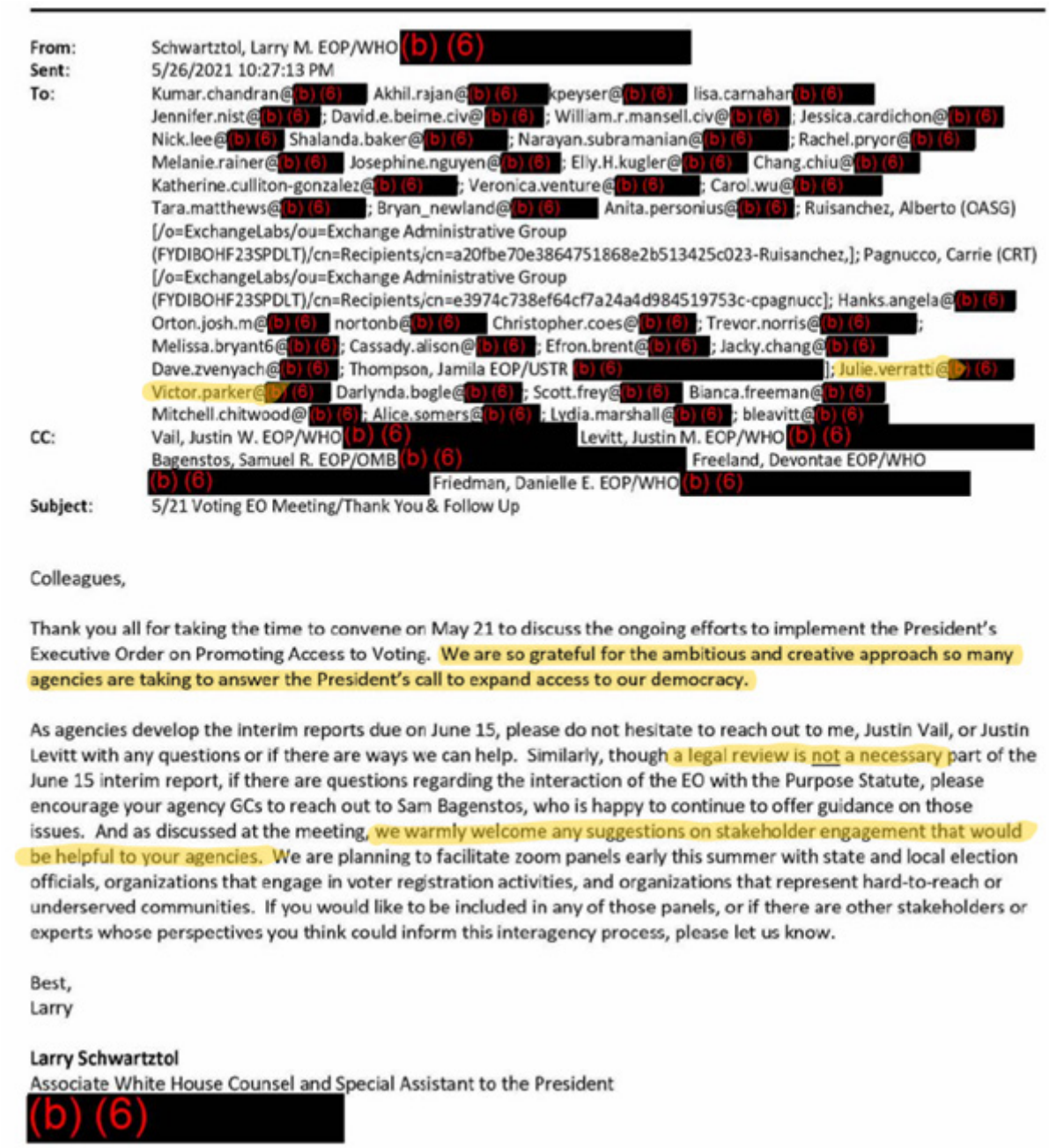
[66] The White House, *Voting EO – Stakeholder Engagement Listening Session w/ Voting Rights Advocates – July 12, 2021* (Jul. 12, 2021) (on file with the Committee).

[67] Supporting documents on file with the Committee.

[68] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 156-57 (Jun. 11, 2024).

[69] Supporting documents on file with the Committee.

Figure 4: White House Personnel "Warmly Welcoming" Engagement with Civil Rights Organizations and Gratitude for "Ambitious and Creative Approaches" [70]



From: Schwartztol, Larry M. EOP/WHO (b) (6)
Sent: 5/26/2021 10:27:13 PM
To: Kumar.chandran@(b) (6) Akhil.rajan@(b) (6) kpeyser@(b) (6) lisa.carnahan(b) (6) Jennifer.nist@(b) (6); David.e.beirne.civ@(b) (6); William.r.mansell.civ@(b) (6); Jessica.cardichon@(b) (6) Nick.lee@(b) (6) Shalanda.baker@(b) (6); Narayan.subramanian@(b) (6); Rachel.pryor@(b) (6) Melanie.rainer@(b) (6) Josephine.nguyen@(b) (6); Elly.H.kugler@(b) (6) Chang.chiu@(b) (6) Katherine.culliton-gonzalez@(b) (6); Veronica.venture@(b) (6); Carol.wu@(b) (6) Tara.matthews@(b) (6); Bryan_newland@(b) (6) Anita.personius@(b) (6); Ruisanchez, Alberto (OASG) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a20fbe70e3864751868e2b513425c023-Ruisanchez,]; Pagnucco, Carrie (CRT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3974c738ef64cf7a24a4d984519753c-cpagnucc]; Hanks.angela@(b) (6) Orton.josh.m@(b) (6) nortonb@(b) (6) Christopher.coes@(b) (6); Trevor.norris@(b) (6); Melissa.bryant6@(b) (6); Cassady.alison@(b) (6); Efron.brent@(b) (6); Jacky.chang@(b) (6) Dave.zvenyach@(b) (6); Thompson, Jamila EOP/USTR (b) (6); Julie.verratti@(b) (6) Victor.parker@(b) (6) Darlynda.bogle@(b) (6); Scott.frey@(b) (6) Bianca.freeman@(b) (6) Mitchell.chitwood@(b) (6); Alice.somers@(b) (6); Lydia.marshall@(b) (6); bleavitt@(b) (6)
CC: Vail, Justin W. EOP/WHO (b) (6) Levitt, Justin M. EOP/WHO (b) (6) Bagenstos, Samuel R. EOP/OMB (b) (6) Freeland, Devontae EOP/WHO (b) (6) Friedman, Danielle E. EOP/WHO (b) (6)
Subject: 5/21 Voting EO Meeting/Thank You & Follow Up

Colleagues,

Thank you all for taking the time to convene on May 21 to discuss the ongoing efforts to implement the President's Executive Order on Promoting Access to Voting. We are so grateful for the ambitious and creative approach so many agencies are taking to answer the President's call to expand access to our democracy.

As agencies develop the interim reports due on June 15, please do not hesitate to reach out to me, Justin Vail, or Justin Levitt with any questions or if there are ways we can help. Similarly, though a legal review is not a necessary part of the June 15 interim report, if there are questions regarding the interaction of the EO with the Purpose Statute, please encourage your agency GCs to reach out to Sam Bagenstos, who is happy to continue to offer guidance on those issues. And as discussed at the meeting, we warmly welcome any suggestions on stakeholder engagement that would be helpful to your agencies. We are planning to facilitate zoom panels early this summer with state and local election officials, organizations that engage in voter registration activities, and organizations that represent hard-to-reach or underserved communities. If you would like to be included in any of those panels, or if there are other stakeholders or experts whose perspectives you think could inform this interagency process, please let us know.

Best,
Larry

Larry Schwartztol
Associate White House Counsel and Special Assistant to the President
(b) (6)

In addition to these meetings, the Biden-Harris Administration acknowledged its gratitude to the SBA and other cabinet departments "for the *ambitious and creative* approach" agencies have taken to implement E.O. 14019.[71] It appears the SBA shares the same sentiment by including the responsibility to "offer help in completing the registration form and offer to transmit it" in the MOU.[72] This level of engagement between left-leaning civil rights organizations and agencies regarding the implementation of E.O. 14019 raises serious doubts that the SBA's MOU with Michigan is truly nonpartisan. As discussed below, the MOU's operative effect demonstrates how the left-leaning origins of E.O. 14019, and the SBA's relationship with these organizations, make the SBA's voter registration efforts ripe for partisan abuse.

[70] Email from Larry Schwartztol, Associate White House Counsel and Special Assistant to the President, The White House, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (May 26, 2021, 10:27 PM).
[71] *Id.*
[72] U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).

d. The SBA's MOU with Michigan is Beyond the Scope of the Agency's Mission and Suggests Partisanship is Impacting the SBA.

Considering the legal concerns and involvement from left-leaning organizations, the SBA's MOU with the State of Michigan displays an inherent entanglement between the SBA's operations and partisan activities without regard for the SBA's mission. The SBA was created to "to aid, counsel, assist and protect the interests of small business concerns; preserve free competitive enterprise; and maintain and strengthen the overall economy of our nation."[73] Yet, the MOU aims to "promote civic engagement and voter registration [through] Jan. 1, 2036."[74] This MOU has nothing to do with the SBA's mission or the legal duties the Agency is charged to fulfill. Rather, intended or not, this MOU presents an opportunity for partisanship among Biden-Harris appointees currently leading the SBA. Further, even if the SBA does not intend to use this MOU for partisan purposes, this interim report illustrates that the language of the MOU and existing biases within the SBA could still lead to partisan voter registration outcomes. For this reason, and because E.O. 14019 could be abused, the SBA and other Federal agencies should not participate in the electoral process in this fashion. The founders intended the states to run their own elections and indicated that the Federal government—as a last resort—ought to involve itself with the states' administration of elections *only* when the actions of states would harm the ability of the Federal government and Congress to operate.[75]

Following the SBA's failure to adequately justify how the MOU relates to the SBA's mission, the Committee sought to rule out concerns that the MOU is a targeted or partisan voter registration effort. To rule these concerns out, the Committee reviewed data from the U.S. Census Bureau, the SBA Office of Advocacy, and the Michigan Department of State. The Committee then compared this data to the publicly available records of SBA in-person outreach events, and overlayed this data onto a map of Michigan to assess whether there is a basis to pursue this investigation. The Committee's basis for this investigation is illustrated below.

The Committee's analysis regarding SBA events in Michigan—namely, events with Administrator Guzman or the SBA Deputy Administrator Dilawar Syed—and in-person SBA's resource partner events revealed concerning trends. As a threshold matter, SBA officials traveling to or attending small business outreach events is not inherently problematic; building connections with small businesses and communities is indeed valuable. This interim report discusses the travel and events involving senior SBA officials in the context of the MOU—which permits the SBA to register voters at these events—and considers allegations that the Biden-Harris SBA indirectly campaigned for the incumbent administration. The partisan political context surrounding Administrator Guzman and Deputy Administrator Syed's travel and participation in outreach events precipitates this investigation, not the mere fact that senior SBA officials travel.

Following the MOU's announcement, the Committee assessed whether the SBA's voter registration efforts under this MOU would occur in areas with the lowest registered voting age populations, or where small businesses are located. To address the former, the Committee identified which Michigan counties have the highest and lowest percentage of the voting age population registered to vote. The Committee then assessed where in-person small business outreach events are taking place in Michigan to determine if these events correlated with the counties bearing the lowest registered voting populations.

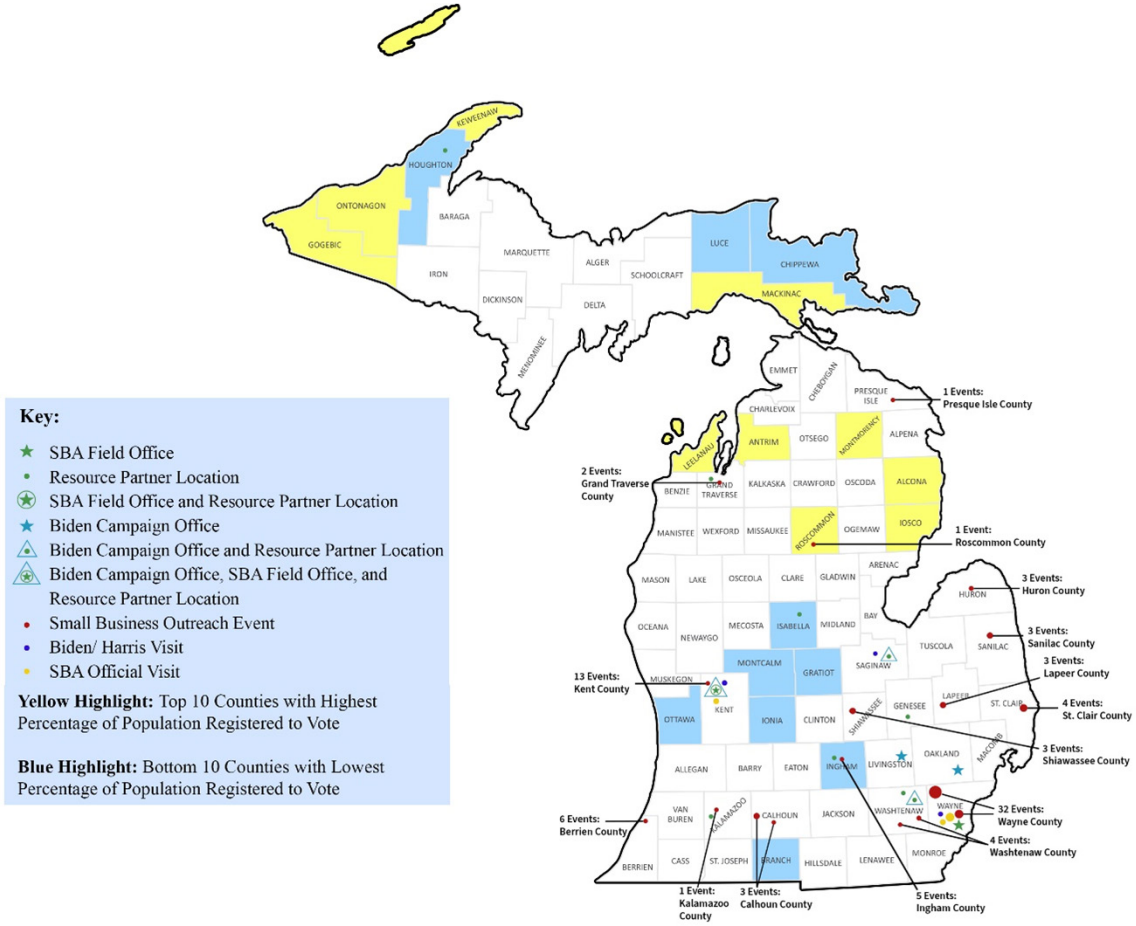
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[73] *Organization*, U.S. Small Bus. Admin. (last visited Sep. 12, 2024), https://www.sba.gov/about-sba/organization.

[74] 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).

[75] *See* The Federalist No. 39 (James Madison); The Federalist No. 59 (Alexander Hamilton).

Map 1: Overlap of Top 10 Counties with Highest Percentage of Voting Age Population Registered with Locations of Visits, Field Offices, Resource Partners, and Outreach Events



Map 1 Sources: U.S. Census; Michigan Department of State.

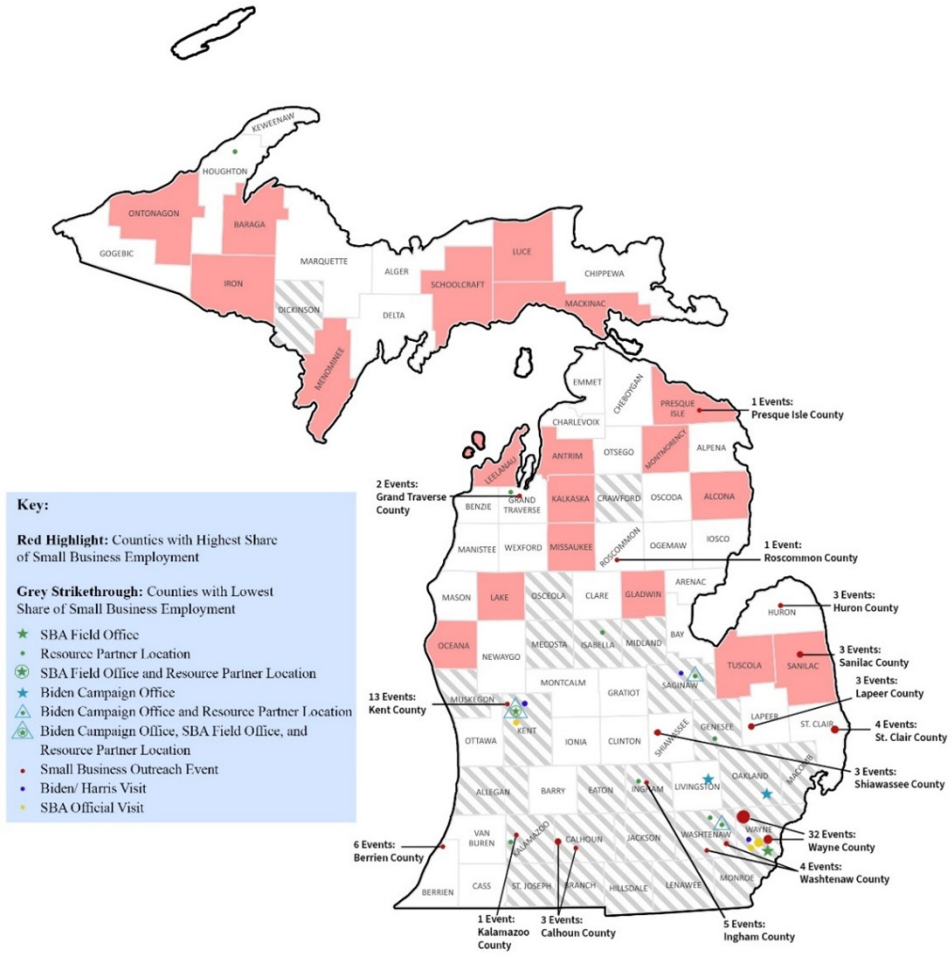
The Committee determined that the locations of in-person small business outreach events did not correlate with the counties harboring the lowest voter registration percentages. Specifically, only 5 percent (5/96) of in-person outreach events occurred in counties with the lowest registered voting population. Additionally, *zero* in-person outreach events with Administrator Guzman or Deputy Administrator Syed took place in these counties. Under a truly nonpartisan voter registration effort, the locations of in-person outreach events, where the MOU permits voter registration activities, would correlate with the counties with the lowest percentages of registered voters (highlighted in blue). Map 1 displays very little correlation between low voter registration rates and voter registration efforts permissible under the MOU, raising questions about whether the SBA's motivation to register voters in Michigan involve partisan objectives. Considering Mr. Robinson's allegations and the SBA's relationships with left-leaning organizations, the Committee is seriously concerned that the SBA's events in Michigan—specifically involving Administrator Guzman or Deputy Administrator Syed—may have partisan political undertones which may also impact a voter's political preference, impacting far more than mere registration numbers, or the general promotion of voting for any candidate.

The other rationale for this MOU identified by the SBA was to facilitate voter registration of small business owners. As such, the Committee assessed whether these in-person SBA events—and voter registration activities under the MOU—truly meet small businesses "where they are."[76] The Committee's analysis indicated

[76] 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).

the SBA does not, in fact, meet small businesses where they are. Displayed below, Map 2 illustrates that merely 4 percent (4/96) of in-person small business outreach events took place in counties with the highest shares of small business employment. Notably, *zero* in-person outreach events with Administrator Guzman or Deputy Administrator Syed took place in the county with the highest shares of small business employment.

Map 2: Overlap of Share Small Business Employment and Locations of Visits, Field Offices, Resource Partners, and Outreach Events



Map 2 Sources: U.S. Small Business Administration Office of Advocacy, U.S. Small Business Administration, Small Business Resource Partner Websites, Michigan Department of State.

Administrator Guzman and Deputy Administrator Syed's travel patterns in Michigan also show a general ignorance of counties with the highest shares of small business employment, all while regulatory burdens and rising costs under the Biden-Harris Administration have resulted in a loss of confidence among *existing* Michigan small business owners.[77] This MOU raises concerns that the SBA has sought to facilitate a targeted partisan voter registration campaign while ignoring the small businesses they are tasked with aiding. This is evidenced by the fact 4 percent of in-person outreach events in Michigan–none involving Administrator Guzman or Deputy Administrator Syed—occurred in counties with the highest amount of small business employment. Whether intended or not, this reality also underscores how the SBA has departed from its mission—and the MOU's claimed rationale—by failing to meet existing businesses where they are. It is not mere data that the Committee has analyzed to support this conclusion; the SBA has not shown any evidence to explain these correlations or resolve concerns that this MOU does not reflect partisan intentions by the SBA.

[77] Small Business Ass'n of Michigan, *Survey says: Michigan entrepreneurs struggling with cost increases, even before expensive new mandates kick in on small businesses* (Aug. 19, 2024).

In summation, the SBA's stated rationales for the MOU: increasing voter registration, and specifically registering Michigan small business owners, conflict with the interim findings of the Committee's investigation, and appear to be illusory explanations. The Committee suspects that the SBA's motivation to enter the MOU was not to merely register voters, especially considering only 5 percent of SBA in-person outreach events occur in counties with the lowest registered voting age population. Additionally, the Committee cannot conclude that the SBA's motivation is to register existing small business owners, because only 4 percent of in-person outreach events occur in counties with the highest shares of small business employment. Considering Mr. Robinson's allegations of partisanship at the SBA, the SBA's relationship with left-leaning organizations, and Michigan's significance to the 2024 general election, the lack of data supporting the SBA's justifications for the MOU raises serious concerns that the Agency's intent to register voters in Michigan is partisan in nature.

IV. Use of Taxpayer Resources

a. Anti-Deficiency Act

Congress appropriates taxpayer dollars to the SBA and other Federal agencies to provide them with the money needed to implement its laws. Because this MOU and voter registration activities are clearly beyond the scope of the SBA's mission, the Committee investigated the extent of taxpayer resources utilized by the SBA to further their get-out-the-vote initiatives instead of furthering the interests of small businesses. Such a use of taxpayer resources would be inconsistent with the Anti-Deficiency Act.

Generally, the Anti-Deficiency Act prohibits Federal agencies from spending taxpayer dollars Congress has not appropriated to them; or obligate or use resources in a manner that is outside the Agency's scope of authority.[78] Furthermore, the Anti-Deficiency Act requires that taxpayer funds are appropriated by time, function, or program.[79] The requirement of specific appropriations under the Act are intended to prevent an agency that lacks specific funding from committing the Federal government to participate in such program, or from using funds for a purpose outside the scope of an agency's authority.[80] However, the scope of the Act is broader than mere disbursement of funding, it includes the assignment of man-hours, the use of technology, or deployment of other resources at the SBA's disposal.[81] The Act prevents the exhaustion of taxpayer funds while maintaining avenues for congressional oversight to ensure agency stewardship of taxpayer funds.[82]

The Committee has serious concerns that the SBA's voter registration efforts are inconsistent with the Anti-Deficiency Act. As a threshold matter, Congress has not authorized the SBA to utilize *any resources* to register voters. As discussed above, this is because voter registration activities fall outside the common-sense scope of the SBA's mission, which is "to aid, counsel, assist and protect the interests of small business concerns; preserve free competitive enterprise; and maintain and strengthen the overall economy of our nation."[83]

The Committee's investigation yielded several indications that the SBA has dedicated resources to developing the MOU. Documents reviewed by the Committee illustrate that a substantial number of man-hours were required to research how to implement E.O. 14019 and develop the MOU. The negotiations over the MOU's terms took over two years, and involved instances of SBA staff traveling to Michigan, in part, to help solidify the obligations under this agreement.[84] Further, these documents show that several SBA personnel were involved in the MOU's drafting process and coordination with MDOS and other Michigan state officials.[85] The MOU obligates SBA resources for the next 12 years, until 2036.[86] The documents also reveal that several drafts of the MOU were exchanged between the SBA and MDOS —and many meetings occurred with several SBA and MDOS officials—reflecting careful consideration, attention, and substantial amount of time to finalize the agreement.[87] The Committee also takes notice of the SBA's questionable hiring decisions, which are discussed below, and continues to seek information regarding how much of their time was spent on implementing E.O. 14019, provided their partisan political experiences. Unfortunately, the SBA has provided minimal information

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[78] Sean M. Stiff, Cong. Research Serv., IF11577, Congress's Power Over Appropriations: A Primer (Jun. 16, 2020); 31 USC § 1341. Specifically, the Act expressly prohibits government employees from making or authorizing expenditures exceeding an amount available in an appropriation, or otherwise involve the government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law. *See* 31 U.S.C. § 1341 (a)(1)(A)(B).

[79] Dominick A. Florentino, Taylor N. Riccard, Cong. Research Serv., R47019, The Executive Budget Process: An Overview, 11 (Feb. 14, 2024).

[80] *Matter of: GSA—Multiple Award Schedule Multiyear Contracting*, 63 Comp. Gen. 129, 130–31 (Dec. 23, 1983).

[81] *Springfield Parcel C, LLC v. U.S.*, 124 Fed. Cl. 163 (2015).

[82] Dominick A. Florentino, Taylor N. Riccard, Cong. Research Serv., R47019, The Executive Budget Process: An Overview, 11 (Feb. 14, 2024).

[83] *Organization*, U.S. Small Bus. Admin. (last visited Sep. 12, 2024), https://www.sba.gov/about-sba/organization.

[84] *Staff Briefing Between the Small Bus. Admin. and Staff of the H. Comm. on Small Bus.*, 118th Cong. (May 3, 2024) (statement of Jennifer Kim, Associate Adm'r, Office of Field Operations).

[85] Communications on file with the Committee.

[86] U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).

[87] Communications on file with the Committee.

to resolve these questions.

Nevertheless, the SBA claims that implementing E.O. 14019 is a no-cost mandate.[88] However, the Committee knows that, if this were true, every Federal agency would have no issues implementing E.O. 14019. Throughout the course of the investigation, the Committee became aware of documents from other agencies indicating how accepting a state's VRA designation requires the use of resources. For example, the U.S. Railroad Retirement Board (RRB) expressed that "the RRB does not have the staffing resources necessary to be designated as a voter registration agency under the [NVRA], or to assume the tasks related to such a designation."[89] Additionally, the RBB's compliance team expressed concern "about the cost of translation services which may be required to produce materials in languages other than English."[90] Additionally, some DOL state-level partners expressed they "do not have the bandwidth to implement [E.O. 14019]."[91] While this is an illustrative example of how implementing E.O. 14019 is not a "no-cost" mandate, it is important to acknowledge that these are different agencies with different resources at their disposal. Despite differences in resources available to the RRB, DOL, and SBA, these examples illustrate that implementing E.O. 14019 requires the use of resources.

Unfortunately, because the SBA has not fully complied with the Committee's document requests, several outstanding questions exist about how many SBA resources were expended to implement E.O. 14019. Questions regarding the time it took to research, identify and solicit other states to engage in an MOU for voter registration purposes also remain outstanding.

Additionally, the Committee is concerned about allegations that SBA leadership indirectly campaigned for President Biden, and Vice President Harris, by utilizing taxpayer-resources. The Committee's concerns regarding these travel patterns are compounded by other details such as the SBA's apparent insufficient training on Hatch Act compliance for mixed-purpose travel, and the lack of any documents relating to ensuring taxpayer dollars are not used to engage in political activity prohibited by the Hatch Act.[92] However, as this is an interim report, the Committee is actively pursuing information on the amount of taxpayer resources inappropriately used for mixed-purpose travel.

b. Hiring Decisions

An alarming example of diverting SBA resources for voter registration activities is also evidenced by the SBA's senior personnel decisions. Several senior Biden-Harris SBA officials have far more experience in campaigning and advocating for left-leaning policies than working on small business issues. The Committee's investigation also revealed apparent conflicts of interest from senior SBA employees implementing this MOU with the State of Michigan. The most notable examples include Jennifer Kim and Jessica Reeves.

i. Jennifer Kim

Jennifer Kim, the Associate Administrator for the SBA Office of Field Operations, the top position of the SBA office implementing the MOU, was the subject of this Committee's July 24, 2024, hearing where members

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[88] *See Executive Overreach: Examining the SBA's Electioneering Efforts with Associate Administrator of Office of Field Operations, Jennifer Kim: Hearing Before Subcomm. on Oversight, Investigations, and Regulations, H. Comm. Small Bus.*, 118th Cong 23 (Jul. 24, 2024).

[89] U.S. Railroad Retirement Bd., STRATEGIC PLAN for the Implementation of Executive Order 14019, Promoting Access to Voting, 4 (Sep. 23, 2021) (on file with the Committee).

[90] *Id.*, at 3.

[91] Email from Holly McKamey Simoni, Workforce Programs Administrator, State of Wyoming, to Kajuana Donahue, Federal Project Officer/State Liaison, U.S. Dep't of Labor, et al., (Apr. 27, 2022) (on file with the Committee).

[92] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 32 (Jun. 11, 2024) (confirming that Administrator Guzman has engaged in at least one "mixed travel" trip).

expressed their concerns about her previous get-out-the-vote experience.[93] Ms. Kim has been working at the SBA since approximately October 2022. The Committee immediately questioned why Ms. Kim was selected to be a senior political appointee for the SBA after a cursory review of her background. Ms. Kim's biography on the SBA website speaks for itself:

> [Ms. Kim] has dedicated many years to *increasing voter registration in communities of color as well as promoting youth civic engagement.* More recently, she worked to strengthen ties between underserved communities and the public health system to increase vaccination rates. Jennifer is a graduate of the University of Michigan with a Bachelor of Arts in History and received a master's in public administration in Urban and Social Policy from Columbia University's School of International and Public Affairs.[94]

The Committee is also aware that, in 2018, Ms. Kim was involved in an election scandal where Florida Democratic National Committee (DNC) staffers sent altered state election documents to voters.[95] Specifically, the issue arose from DNC staffers sending forms intended to fix vote-by-mail ballots that had been initially rejected.[96] Amid legal and other concerns, the issue was reportedly discussed throughout DNC emails in which Ms. Kim participated.[97] At the time, Alan Clendenin, serving as the Democratic Vice Chairman, noted these efforts were "mid-level and [] a bunch of go-getters and young people who wanted to make a difference and didn't realize this is a major political party and this is not how you get things done."[98] Ms. Kim, and the SBA, assure the Committee there are no ulterior motives in hiring Ms. Kim, or her leadership in implementing the MOU, as Ms. Kim's campaign experience and fieldwork make her a suitable candidate for the SBA Office of Field Operations.[99] Yet, mere statements have not outweighed the facts discovered throughout the Committee's investigation.

The Committee's concern not only emanates from Ms. Kim's apparent lack of small business experience, but her seemingly exclusive work on democratic campaigns and issues. The Committee is also alarmed by the fact the SBA either hired Ms. Kim knowing her role in the 2018 Florida controversy or failed to exercise the due diligence to check. These facts support the basis of the Committee's concern that political appointees at the SBA lack the ability to perform the functions of the agency, especially under this MOU, on a nonpartisan basis.

ii. Jessica Reeves

Another SBA official who raised concerns for the Committee is Jessica Reeves, who currently serves as the SBA Director of Public Engagement.[100] While Ms. Reeves has been the Director of Public Engagement at the SBA, she has also served senior roles including Board Member and Treasurer of the organization Rock the Vote.[101] Rock the Vote is a get-out-the-vote nonprofit aimed at "ensuring every young voter is registered and ready to vote."[102] Young voters in Michigan were a critical demographic to Democratic candidates, including

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[93] *See Executive Overreach: Examining the SBA's Electioneering Efforts with Associate Administrator of Office of Field Operations, Jennifer Kim: Hearing Before Subcomm. on Oversight, Investigations, and Regulations, H. Comm. Small Bus.*, 118th Cong (Jul. 24, 2024). *See also Jennifer Kim*, U.S. Small Bus. Admin. (last visited Sep. 12, 2024), https://www.sba.gov/person/jennifer-kim.
[94] *Jennifer Kim*, U.S. Small Bus. Admin. (last visited Sep. 12, 2024), https://www.sba.gov/person/jennifer-kim. (emphasis added).
[95] Matt Dixon and Mark Caputo, *Florida Democrats on defense amid election fraud investigation*, Politico (Nov. 16, 2018).
[96] *Id.*
[97] *Id.*
[98] *Id.*
[99] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 102. (Jun. 11, 2024); *Executive Overreach: Examining the SBA's Electioneering Efforts with Associate Administrator of Office of Field Operations, Jennifer Kim: Hearing Before Subcomm. on Oversight, Investigations, and Regulations, H. Comm. Small Bus.*, 118th Cong 28 (Jul. 24, 2024) (statement of Jennifer Kim, Associate Administrator, U.S. Small Bus. Admin.).
[100] Press Release, U.S. Small Bus. Admin., Administrator Guzman Applauds President Biden's New Appointees to the U.S. Small Business Administration (Oct. 24, 2022).
[101] *About Us*, Rock the Vote (last visited Sep. 12, 2024), https://www.rockthevote.org/about-rock-the-vote/.
[102] *Homepage*, Rock the Vote (last visited Sep. 12, 2024), https://www.rockthevote.org/.

Joe Biden and Kamala Harris, during the 2024 election.[103]

In 2020, Rock the Vote partnered with MDOS to develop technology allowing civic groups and other organizations running voter registration drives to register voters through MDOS's online registration website, which appears to be what the SBA is doing.[104] The Committee is concerned by the fact another senior SBA official is heavily involved in get-out-the-vote efforts while working at the SBA. During a transcribed interview with Arthur Plews, the SBA Chief of Staff, the Committee was informed that Ms. Reeves approached Mr. Plews about her role with Rock the Vote after the Committee launched its investigation.[105]

The Committee has outstanding questions regarding whether Ms. Reeves—with her relationship with Rock the Vote, and Rock the Vote's relationship to MDOS—had any influence in the SBA's decision to seek an MOU with the State of Michigan. The Committee also has unresolved questions about Rock the Vote's access to the data transmitted by the technology it helped develop that is employed by MDOS to register voters online, and whether, as a board member and treasurer, Ms. Reeves has access to that data.

[103] *See* Michael Scherer, *Democrats spar over registration as worries over young and minority voters grow*, The Wash. Post (Apr. 1, 2024).
[104] Press Release, Michigan Dep't of State, New tool allows civic groups to conduct voter registration drives digitally (Jun. 15, 2024).
[105] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 150 (Jun. 11, 2024).

V. The SBA's MOU Potentially Violates the Administrative Procedure Act (APA)

Considering these facts, the SBA's MOU with the MDOS also implicates the Administrative Procedure Act (APA) for several reasons. Generally, the APA outlines requirements agencies must follow in order to take final actions.[106] If those requirements are not adhered to, a court may hold an agency's final action unlawful and set it aside.[107] An agency makes a final action when two criteria are satisfied: first, the action "must mark the consummation of the agency's decision-making process—it must not be of a merely tentative or interlocutory nature;" and second, "the action must be one by which rights or obligations have been determined, or from which legal consequences will flow."[108]

The MOU is clearly a final agency action under the APA. The SBA's implementation of E.O. 14019 and the MOU is not a merely tentative or interlocutory arrangement, as this agreement is final and was extensively negotiated.[109] Further, the very essence of the MOU results in a legal relationship between the SBA and MDOS where obligations of both parties are established.

Given that the MOU appears to be a final action, the APA authorizes a court to find it unlawful if it is "arbitrary, capricious, [or] an abuse of discretion."[110] An agency's action is arbitrary and capricious if, among other factors, the action is so "implausible that it could not be ascribed to a difference in view or the product of agency expertise."[111] The stark contrast between the purpose of the SBA and voter registration activities cannot be ascribed to a simple difference in view. Further, there is no precedent for such an MOU, as the SBA has conceded the agreement is the "first of its kind collaboration for the SBA."[112] Congress has never authorized the SBA to solicit critical battleground states and offer help registering voters. While the SBA may claim that the NVRA grants it the general authority to perform these activities, it is unclear whether a court would find that position viable. The NVRA is the method by which Congress dictated the *limited* extent to which Federal agencies may engage in voter registration activities. E.O. 14019, however, does not reflect the limited nature to which the Federal government can engage in voter registration activities under the NVRA.

Furthermore, "decisions featuring unjustifiable bias or partisanship are precisely the types of agency actions" that are arbitrary and capricious.[113] E.O. 14019 and the SBA's MOU reflect decisions that will inevitably result in partisan outcomes and the appearance of bias. The fact that E.O. 14019 is the Biden-Harris Administration's adoption of recommendations from Demos, a left-wing organization that "pioneers" progressive policies and works to implement them, speaks for itself.[114] Additionally, despite claims by the SBA that the MOU expressly prohibits registering voters in a partisan way, the SBA has failed to show the MOU's design will realistically avoid partisan outcomes regardless of the SBA's intent.[115]

Finally, the APA permits courts to hold unlawful and set aside final agency action that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right."[116] Here, it appears the SBA's implementation of E.O. 14019 exceeds the limited scope of statutory authority under the NVRA because Congress cabined the role of Federal agencies in voter registration to be a response to requests from the states, not the other way around. In this case, the SBA solicited Michigan, acting outside of its narrow grant

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[106] 5 U.S.C. § 704.
[107] *See e.g.,* 5 U.S.C. § 706(2).
[108] *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997).
[109] *Staff Briefing Between the Small Bus. Admin. and Staff of the H. Comm. on Small Bus.*, 118th Cong. (May 3, 2024) (statement of Jennifer Kim, Associate Adm'r, Office of Field Operations). *See* Press Release, The White House, FACT SHEET: The Biden-Harris Administration is Taking Action to Restore and Strengthen American Democracy (Dec. 8, 2021).
[110] 5 U.S.C. § 706(2)(A).
[111] *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 43 (1983).
[112] 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).
[113] *See Level the Playing Field v. FEC*, 961 F.3d 462, 464 (D.C. Cir. 2020).
[114] *About Demos*, Demos (last visited Sep. 12, 2024), https://www.demos.org/about.
[115] *See* U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).
[116] 5 U.S.C. § 706(2)(B), (C).

of statutory authority under the NVRA. Moreover, following the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, it is unclear whether E.O. 14019 complies with the APA. The *Loper Bright* Court found that there is a single, best understanding of a statute, and the Biden-Harris Administration, through E.O. 14019, upending years of practice under the NVRA, is unlikely to represent the best understanding of the NVRA.[117]

Thus, E.O. 14019's broad command of all agencies to become involved in voter registration exceeds the scope of the NVRA, and in turn, the President's constitutional authority. Consequently, the SBA's implementation of E.O. 14019 also exceeds such authority and could implicate the APA's provision to set aside such final agency actions.

[117] *See Loper Bright Enter's. v. Raimondo*, 144 S.Ct. 2244, 2258, 2266 (2024).

VI. Broader Partisan Concerns and Potential Hatch Act Concerns at the SBA

a. Hidden-Camera Video Alleging Partisanship at the SBA

Considering the Committee's concerns about the SBA's implementation of E.O. 14019 and the MOU, after the video of Mr. Robinson alleging senior SBA officials were indirectly campaigning for President Biden was published, the Committee expanded its investigation to broadly probe the degree of partisanship at the SBA—beyond the MOU with Michigan. The Committee specifically sought to assess whether the SBA engages in partisan political activities through Administrator Guzman's and Deputy Administrator Syed's travel, which is generally prohibited by the Hatch Act. Notably, the SBA has categorically denied the allegations, and similar to the SBA's response to the Committee's questions regarding the MOU, the SBA has stonewalled nearly all requests for information arising from the allegations in the Robinson video.

Exercising due diligence, the Committee sought to independently ascertain the validity of Mr. Robinson's allegations. As described below, the Committee's analysis of available information, including 154 trips taken by Administrator Guzman and Deputy Administrator Syed, corroborated some of Mr. Robinson's allegations and reinforced the Committee's concerns of partisanship at the SBA. The Committee's analysis of trips taken by Administrator Guzman and Deputy Administrator Syed revealed that Michigan was the most frequent destination for SBA outreach during the Biden-Harris Administration outside of the Washington, D.C. region.

b. The Hatch Act

The Hatch Act regulates partisan political activities of most Federal executive branch employees.[118] The Act separates covered Federal employees into two classes—less restricted and further restricted—with different restrictions on political activities for each class.[119] The Committee's focus is on the latter group—the "further restricted" class of employees—because they are prohibited at all times from participating in partisan political activity on behalf of a political party, partisan political group, or candidate in a partisan election.[120] Federal employees in the "further restricted" class include employees in the Senior Executive Service (SES) and career appointees, among others.[121] "Further restricted" employees may not, among other things, take an active part in partisan political management, such as expressing opinions directed "at the success or failure of a political party, candidate for partisan political office, or partisan political group" while on duty, or assist "in partisan voter registration drives."[122]

The Office of Special Counsel (OSC), the Federal agency tasked with Hatch Act enforcement, has released several advisory opinions regarding what counts as expressing opinions directed "at the success or failure of a political party, candidate for partisan office, or partisan political group."[123] The OSC has elaborated that, while on duty or in the workplace, Federal employees may not wear, display, or distribute items with campaign slogans from the 2016, 2020, or 2024 Trump presidential campaign, or the 2020 or 2024 Biden (and

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[118] *See* Whitney K. Novak, Cong. Research Serv., IF11512, The Hatch Act: A Primer (Apr. 20, 2020).
[119] *Id.*, at 1-2.
[120] *Id.*
[121] *Federal Employee Hatch Act Information*, U.S. Office of Special Counsel (last visited Sep. 13, 2024), https://osc.gov/Services/Pages/HatchAct-Federal.aspx#tabGroup31|tabGroup53|tabGroup11. *See also* 5 U.S.C. § 3132(a)(2)-(4) (defining what an SES employee and career appointee is as it relates to the Hatch Act's applicability).
[122] *Id.*
[123] *See* U.S. Off. of Special Counsel, Hatch Act Advice for Federal Employees Now that Former President Trump is a Presidential Candidate (Dec. 14, 2022); U.S. Off. of Special Counsel, Advisory Opinion Regarding the Hatch Act and President Joseph Biden Now that He Is a Candidate for Reelection (Apr. 26, 2023); U.S. Off. of Special Counsel, The Hatch Act and the Use of Administrative Leave to Participate in Nonpartisan Poll Activities (May. 18, 2022); U.S. Off. of Special Counsel, Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans (Jun. 7, 2023).

Vice President Harris's) presidential campaign.[124] Some of the prohibited language includes, *but is not limited to* phrases such as "MAGA," or "Build Back Better."[125]

While the Hatch Act generally prohibits Federal executive branch employees from engaging in political activity, there are notable exceptions as to whom the Act applies. The President and Vice President are completely exempt.[126] Additionally, Federal executive employees who are deemed to be always on duty and who are appointed by the President with Senate confirmation (PAS) have specific exemptions. PAS employees whose duties and responsibilities continue outside normal duty hours and while away from the normal duty post may engage in political activity on the job or while in a Federal workplace, *provided the costs are not paid for by money derived from the Treasury*.[127] PAS employees are still subject to the Hatch Act's other prohibitions, such as using their official authority or influence to affect the result of an election.[128]

It is also worth noting that executive branch employees may engage in "mixed travel," where an exempt employee attends both official and political events during the same trip. For instance, under most circumstances, an exempt employee at the SBA can fly to a small business event using SBA funds, attend the SBA event, and then attend a political event in the same trip. However, in this instance, the costs associated with the exempt employee's attendance at the political event may not be paid with taxpayer funds.[129] When such circumstances arise, agencies must apportion the travel costs between the Federal government and the relevant political organization or candidate, and ensure that the Treasury is appropriately reimbursed.[130] The OSC clearly articulates the formula used to calculate reimbursement, and emphasizes the importance of obtaining reimbursement as soon as possible.[131] The Committee questions whether such reimbursements for SBA employees have properly been made. To date, no documents have been provided to the Committee regarding mixed travel at the SBA.

c. <u>The Committee's Investigation into the Alleged Partisan Activities at the SBA</u>

Mr. Robinson's allegations amplified the Committee's concerns about the potentially partisan design of the MOU and immediately called into question whether Administrator Guzman and Deputy Administrator Syed's travel to Michigan and participation in small business outreach events were "mixed" travel under the Hatch Act, requiring the SBA's accounting to reimburse taxpayer dollars for campaign activities. With the SBA's new ability to facilitate voter registration at in-person outreach events under the MOU, the Committee sought to discern what, if any, events in Michigan have taken place where a voter could both be registered and could possibly have their political views influenced at the same forum.

Immediately following the release of the video, the Committee requested Mr. Robinson and his supervisor, Mr. Plews, to appear for a voluntary transcribed interview (TI) to assess the veracity of Mr. Robinson's claims.[132] One week later, the Committee discovered a request for an investigation into the SBA

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[124] *See* U.S. Off. of Special Counsel, Hatch Act Advice for Federal Employees Now that Former President Trump is a Presidential Candidate (Dec. 14, 2022); U.S. Off. of Special Counsel, Advisory Opinion Regarding the Hatch Act and President Joseph Biden Now that He Is a Candidate for Reelection (Apr. 26, 2023); U.S. Off. of Special Counsel, Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans (Jun. 7, 2023).

[125] *Id.*

[126] Whitney K. Novak, Cong. Research Serv., IF11512, The Hatch Act: A Primer, 1 (Apr. 20, 2020).

[127] 5 USC § 7324(b)(1)-(2); U.S. Off. of Special Counsel, OSC Advisory Regarding Mixed Travel by Presidentially-Appointed / Senate Confirmed (PAS) Employees, 1 (Oct. 6, 2011). However, the Hatch Act only exempts PAS employees whose position is located within the United States and who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws; *See* 5 USC § 7324(b)(2)(B)(ii).

[128] *See* 5 USC § 7323(a).

[129] 5 USC § 7324(b)(1). *See* U.S. Off. of Special Counsel, OSC Advisory Regarding Mixed Travel by Presidentially-Appointed / Senate Confirmed (PAS) Employees, 1 (Oct. 6, 2011).

[130] *Id.*, at 3.

[131] *Id.*, at 1. *See* 5 C.F.R. § 734.503(c)(1).

[132] *See* Letter from Roger Williams, et al., Chairman, to Isabella Casillas Guzman, Administrator, U.S. Small Bus. Admin. (Apr. 18, 2024).

for additional alleged Hatch Act violations by SBA officials.[133] On April 25, 2024, Protect the Public's Trust (PPT), a nongovernmental organization comprised of retired and former public servants, wrote the SBA with specific examples, supported by FOIA documents, of SBA officials appearing to violate the Hatch Act.[134] This discovery further undermined the trust in the SBA's compliance with the Hatch Act and, in turn, the nonpartisan implementation of the MOU. After neither Mr. Plews nor Mr. Robinson appeared for voluntary interviews on May 2 and May 3, 2024, the Committee was forced to issue subpoenas for their depositions.[135] After negotiations between the SBA and the Committee, Mr. Robinson and Mr. Plews voluntarily participated in TIs with the Committee on June 3, 2024, and June 11, 2024, nearly two months after the Committee initially requested to conduct the TIs.

The Committee was concerned to learn about the minimal Hatch Act training SBA employees have received throughout the Biden-Harris Administration during the TIs. Specifically, the Committee learned during Mr. Plews' June 11, 2024 TI that, during his tenure at the SBA, he has received two Hatch Act trainings, both taking place during 2024, and that Mr. Plews could not recall Hatch Act trainings from 2021 until early 2024.[136] The Committee continues to actively pursue information on the amount of taxpayer resources inappropriately used for mixed-purpose travel.

[133] Letter from Michael Chamberlain, Director, Protect the Public's Trust, to Hampton Dellinger, U.S. Office of Special Counsel, Hatch Act Unit, et al. (Apr. 25, 2024).
[134] *About Us*, Protect the Public's Trust (last visited Sep. 15, 2024), https://protectpublicstrust.org/about-us/; Letter from Michael Chamberlain, Director, Protect the Public's Trust, to Hampton Dellinger, U.S. Office of Special Counsel, Hatch Act Unit, et al. (Apr. 25, 2024).
[135] *See* Subpoena from Roger Williams, et al., Chairman, 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 Arthur Plews, Chief of Staff, U.S. Small Bus. Admin. (May 7, 2024).
[136] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 67-68 (Jun. 11, 2024).

VII. The SBA's Stonewalling and Transparency Failures

a. Unresponsive to the Committee's Requests for Information Regarding the MOU and Travel Information of Senior SBA Officials

Since this investigation formally began on April 4, 2024, the SBA has consistently failed to be forthright and transparent with the Committee. As of the publication of this interim report, the Committee has received nearly 3000 pages of information from the SBA. As described below, the information was often duplicative, unresponsive to the Committee's requests, or both. Further, the quality and pace of the SBA's document productions forced the Committee to rely on public resources for two-thirds of the information supporting this interim report.

The SBA has failed to produce documents in a responsive and timely fashion throughout this investigation. On April 4, 2024, the Committee formally sent a letter to the SBA requesting information about the MOU with the State of Michigan to be produced no later than April 18, 2024.[137] A month elapsed before any documents were produced to the Committee.[138] On May 16, 2024, the Committee requested the calendars, travel itineraries, trip summaries and any documents memorializing reimbursement for costs associated with political activities under the Hatch Act for 11 SBA officials.[139] After two months of outstanding requests and receipt of few responsive documents, the Committee re-requested the information on July 15, 2024.[140] The SBA failed to produce anything by the deadline listed in the July 15 request, and the Committee was forced to subpoena the information on July 30, 2024.[141] Throughout August 2024, the Committee received nearly 400 pages of primarily unresponsive information. On September 17, 2024, just hours before the Committee held an oversight hearing with Administrator Guzman, the SBA produced pages of Administrator Guzman's official calendar entries for the first time, four months after the Committee's initial request for them.[142]

Beyond producing documents, the TIs conducted with SBA officials raised more questions than provided answers. For instance, when questioned by Committee staff, Mr. Plews indicated that he lacked awareness or knowledge nearly 200 times in response to the Committee's questions.[143] The Committee is concerned about the SBA Chief of Staff's substantial lack of knowledge or recollection of major actions taken at the SBA, especially regarding this "first of its kind," voter registration initiative.

While the SBA's general inability or unwillingness to be transparent is troubling, it is substantially more concerning that the SBA provided misleading responses to the Committee's inquiries. Specifically, in response to the Committee's request for "interim and final reports drafted and submitted to the White House under Executive Order 14019," the SBA, either intentionally or negligently, inaccurately claimed that no responsive document existed. The Committee first requested this document in its April 4, 2024, letter to the SBA.[144]

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[137] 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).

[138] *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., et. al. (May 10, 2024).

[139] Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (May 16, 2024).

[140] Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 15, 2024).

[141] Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 30, 2024). Prior to the July 15 request and subsequent subpoena, the SBA had provided less than 400 pages of largely duplicative documents, only responding to a fraction of what was requested. *See* Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 30, 2024).

[142] Supporting documents on file with the Committee. *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., (Sep. 17, 2024).

[143] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus. (Jun. 11, 2024).

[144] 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).

This document was among the many the SBA failed to produce voluntarily and was therefore included in the Committee's July 30, 2024 subpoena.[145]

In response to the subpoena, the SBA initially claimed that no such document existed to Committee staff. Believing this was untrue, Committee staff followed up with SBA staff on two subsequent occasions to provide the SBA with more context and a chance to correct itself. For example, on one occasion, Committee staff directed the SBA to the specific provision of E.O. 14019 requiring said report. The SBA nevertheless maintained its position that no such document existed. Provided the fact E.O. 14019 required the SBA to submit said report, the Committee found the SBA's claim to be highly suspect. Additionally, if this was true, the SBA's insubordination of the President's E.O. would create other concerns.

The Committee eventually identified Freedom of Information Act (FOIA) litigation wherein the SBA states, under oath, that it *did* create and submit a draft report to the White House in compliance with E.O. 14019.[146] Upon identifying this litigation, the Committee was deeply concerned that the SBA had intentionally, if not materially, misled the Committee regarding the existence of this document. Were this the case, not only would the SBA's lack of candor raise concerns about the accuracy of the SBA's productions, limited as they may have been, but would also raise substantial legal concerns.

For instance, under 18 U.S.C. § 1001, knowingly and willfully making false statements to Federal investigators, including Committee staff, is unlawful.[147] Further, obstructing Congress is punishable under the law. Given that this document was subject of multiple protracted FOIA cases, the Committee struggles to believe the SBA staff responsible for this production were unaware of this document. While it is possible that SBA unintentionally misled the Committee, the Committee continues to investigate whether SBA acted intentionally to withhold this document.

[145] Subpoena from H. Comm. On Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 30, 2024).
[146] *See* U.S. Small Bus. Admin. Decl., *Am. First Legal Found. v. U.S. Dep't of Agric.*, No. 22-cv-3029, 2 (D.D.C. Jan. 11, 2023) (Exhibit A) (on file with the Committee).
[147] 18 U.S.C. § 1001 (2022); 18 U.S.C. § 1505 (2022).

Figure 5: SBA Court Declaration that an Implementation Plan was Transmitted to the White House [148]

18. The Draft Plan was solicited by, and subsequently transmitted to, the White House. The Draft Plan was created in response to the White House's request for information and for the purpose of gathering information to be used in advising the President. The Draft Plan includes details of potential strategies as to various means of implementing Executive Order 14019.

19. The Draft Plan was reviewed for input and advice regarding the implementation of Executive Order 14019 by the following SBA officials including the: (1) General Counsel for SBA, (2) Deputy General Counsel, (3) Special Advisor, Office of Field Operations, (4) Special Advisor, Office of Entrepreneurial Development, (5) Senior Advisor, Office of

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Congressional and Legislative Affairs, (6) Director, Policy Office of the Administrator, and (7) Deputy Associate Administrator for Field Operations.

20. Further, the Draft Plan includes deliberations as to possibilities for future plans of action, based on ongoing research and considerations within SBA. The Draft Plan further sets forth anticipated timelines for completion of specific initiatives. Such information is predecisional, because at the time the Draft Plan was submitted to the White House, no final decision had been made on whether or how to implement the proposals and the possibilities it contemplated. This information is deliberative because it reflects the ongoing consultative process that was occurring both within the SBA and between the SBA and the White House.

Hoping to elicit some form of explanation from the SBA, the Committee then directed the SBA to this FOIA litigation in its August 16, 2024, letter.[149] In response, the SBA claimed that this FOIA litigation was "consistent" with the SBA's claims that no such document existed; as the document in the FOIA case was not "final."[150] Further, the SBA then pointed to the case itself, which found that the SBA did not have to produce the document under a FOIA exception.[151] This response was entirely inadequate. Later, in a letter sent on October 9, 2024, the SBA elaborated that it did not understand the Committee's request for "interim and final reports," to mean the draft strategic plan it submitted to the White House. [152]

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[148] U.S. Small Bus. Admin. Decl., *Am. First Legal Found. v. U.S. Dep't of Agric.*, No. 22-cv-3029, 2 (D.D.C. Jan. 11, 2023) (Exhibit A) (on file with the Committee).

[149] Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Aug. 16, 2024).

[150] Letter from George Holman, Assoc. Adm'r, Congressional and Legislative Affairs, U.S. Small Bus. Admin. to Roger Williams, Chairman, H. Comm. on Small Bus (Aug. 30, 2024).

[151] *Id.*

[152] Letter from Georga Holman, Assoc. Adm'r, Congressional and Legislative Affairs, U.S. Small Bus. Admin to Roger Williams, Chairman, H. Comm. on Small Bus (Oct. 9, 2024).

Unfortunately, the Committee anticipated this specific type of gamesmanship by the SBA, which is why the Committee's initial request was written broadly.[153] Furthermore, the SBA's informal citation of a FOIA exemption is an extremely insufficient basis to withhold documents from a congressional committee fulfilling its duty to conduct oversight. This is because Congress's ability to conduct oversight is rooted in the U.S. Constitution, *not* the Freedom of Information Act. As such, agencies are not permitted to withhold documents it may otherwise withhold from the public under FOIA exemptions.[154] Specifically, the FOIA exemption the SBA references, Exemption 5, includes privileges the Committee and Congress do not recognize.[155]

Moreover, under the terms of the subpoena, the SBA is required to identify and explain all documents that are responsive to the subpoena but cannot be produced.[156] The SBA at no point attempted to do this, instead simply claiming that no responsive document exists. There is a tremendous difference between a document that does not exist, and one which cannot be produced for another reason. Committee staff again met with SBA staff, who then generally conceded the requested document did exist. Committee staff then explained the process the SBA should take to properly withhold this document, should it seek to do so. As of the publication of this interim report, the Committee is of the understanding that the SBA is currently going through the process required to assert privilege on this document.

The Committee hoped that its subsequent interactions with the SBA would provide some insight into the SBA's initial intentions in withholding the document, but these efforts only raised further concerns. While the Committee believes that the SBA's failure to produce this document constitutes a reckless disregard for the quality and truthfulness of its productions, there is *currently* insufficient evidence to suggest whether this was done maliciously. Certain actions, such as the substandard legal analysis in the SBA's response to the Committee's letter informing it of the FOIA litigation, suggest that the SBA, at the very least, has failed to engage with the Committee in good faith. Conversely, discussions with SBA employees have shown that the SBA's history as a relatively small agency has resulted in institutional unfamiliarity with the level of oversight performed on agencies managing hundreds of billions of dollars, including claims of unfamiliarity with the process of compiling a privilege log.

Notably, while the Committee has requested all relevant communications dating back to 2021, which is when the SBA's implementation plans were being created and finalized, the SBA also failed to produce a single communication prior to August 2022. The 2021 implementation plans and the surrounding communications are imperative to the Committee's investigation to understand how the SBA is planning to implement E.O. 14019, beyond the MOU, and what resources those plans require. The Committee is confident the SBA's implementation plans are likely to have this information, based on other agency implementation plans reviewed by the Committee, such as the RRB, discussing questions involving costs, legal concerns, and the agency's justification for engaging in voter registration activities.

The SBA has also obscured where the Committee can find relevant public information. For instance, the Committee asked where information about the travel of senior SBA officials could be found, and the SBA directed the Committee to "check Twitter."[157] Informing congressional investigators that they should consider checking social media for information is an inappropriate response to legitimate congressional oversight requests. To highlight this, when the Committee reviewed official Twitter accounts of relevant SBA officials, it appeared that Ms. Kim's Twitter account has her official government account set to private, despite it clearly being labeled an "official" account. [158]

Furthermore, when the Committee did receive information from the SBA about the travel of senior

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[153] *See* 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).
[154] *See Watkins v. United States*, 354 US. 178, 187 (1957).
[155] 5 U.S.C. § 552b (2016).
[156] Subpoena from H. Comm. On Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 30, 2024).
[157] *Staff Briefing Between the Small Bus. Admin. and Staff of the H. Comm. on Small Bus.*, 118th Cong. (May 3, 2024) (statement of Jennifer Kim, Associate Adm'r, Office of Field Operations).
[158] *See* Jennifer Kim (@SBAJenniferKim), Twitter (last visited Sep. 16, 2024), https://x.com/SBAJenniferKim.

SBA officials, it was either vague, irrelevant, or unrequested.[159] Additionally, while Mr. Plews confirmed that at least one trip to Michigan "in the last several months" was considered "mixed travel" under the Hatch Act, no evidence has been provided to the Committee that the SBA sought reimbursement from the campaign, which is required under the Hatch Act, and no further details have been provided about the mixed-purpose trip to date.[160] While the SBA claims the Committee's investigation into political travel is "baseless," the number of questions surrounding the SBA's compliance with the Hatch Act has precipitated the OSC launching an investigation into the Agency, which is currently ongoing.[161]

Administrator Guzman has also contradicted several statements made by her Chief of Staff and other officials relating to the SBA's implementation of E.O. 14019 and the SBA's cooperation with this Committee's investigation. For instance, during the Committee's September 18, 2024, hearing with Administrator Guzman, Committee members learned that the SBA had plans to expand their get-out-the-vote efforts, as Administrator Guzman testified that the SBA had "been reaching out to *dozens of States*."[162] However, three months prior, the Committee was told by Mr. Plews that the SBA previously had plans to expand the effort, but did not go so far as to indicate plans still existed.[163] In fact, Mr. Plews indicated that the SBA was *previously* considering *two* additional states to solicit for get-out-the-vote efforts.[164] While it is possible the SBA had reached out to dozens of states between the time both statements were made, the Agency has failed to provide any documents to confirm which is true. Additionally, Administrator Guzman testified the MOU is nothing more than posting a URL on the SBA's website.[165] However, the language of the MOU indicates otherwise. This was confirmed by Ms. Kim when she offered conflicting testimony that the MOU encompasses "[the URL] and [the ability for the SBA to] invite MDOS to come table at [SBA] events."[166]

While these discrepancies in the SBA's representations to the Committee underscore how the SBA has been obstructive to the Committee's investigation, the SBA has also grossly overstated its cooperation throughout this investigation in the public eye. The night before the Committee's September 18, 2024, hearing, the SBA produced nearly 2,000 pages of documents. Just over half of the pages were new information, the remaining pages were the six prior productions reproduced together. None of the prior productions included calendar entries, or several other documents and communications requested by the Committee. Yet, during the September 18, 2024, Committee hearing, Administrator Guzman testified to the Committee that the SBA "had already sent over 1200 pages of official calendar entries [and] 3,000 pages in response to eight different production response[s]."[167] Further, Administrator Guzman continued by testifying the September 17, 2024, production "was *more* calendar items for additional months."[168] Given that the Committee received the vast, overwhelming majority of the documents Administrator Guzman referenced just hours before her testimony, citing this production as evidence of the SBA's good faith displays the SBA's misleading statements in the

[159] *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., et. al. (Jun. 14, 2024) (production on file with the Committee).
[160] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 32 (Jun. 11, 2024).
[161] 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., (Aug. 13, 2024).
[162] *Holding the SBA Accountable: Testimony from Small Business Administrator Guzman*, *Hearing Before H. Comm. on Small Bus.*, 118th Cong. 48 (Sep. 18, 2024) (statement of Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin).
[163] *See* Transcribed Interview of Mr. Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., conducted by the House Comm. on Small Bus., at 77 (Jun. 11, 2024).
[164] *Id.*
[165] *Holding the SBA Accountable: Testimony from Small Business Administrator Guzman*, *Hearing Before H. Comm. on Small Bus.*, 118th Cong. 16 (Sep. 18, 2024) (statement of Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin).
[166] *See e.g., Holding the SBA Accountable: Testimony from Small Business Administrator Guzman*, *Hearing Before H. Comm. on Small Bus.*, 118th Cong. 16 (Sep. 18, 2024) (statement of Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin); *Executive Overreach: Examining the SBA's Electioneering Efforts with Associate Administrator of Office of Field Operations, Jennifer Kim: Hearing Before Subcomm. on Oversight, Investigations, and Regulations, H. Comm. Small Bus.*, 118th Cong 20 (Jul. 24, 2024) (statement of Jennifer Kim, Associate Administrator, U.S. Small Bus. Admin.).
[167] *Holding the SBA Accountable: Testimony from Small Business Administrator Guzman*, *Hearing Before H. Comm. on Small Bus.*, 118th Cong. 31 (Sep. 18, 2024) (statement of Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin).
[168] *Id.*

public eye. Prior to the SBA's September 17, 2024, production, the Committee received seven productions, not eight; the productions only consisted of a few hundred pages of largely duplicative information, with no calendar entries. This reality was in stark contrast to the 3,000 pages of information—with calendar entries—Administrator Guzman claimed to have already produced to the Committee.

VIII. Conclusion

The SBA cannot meet its obligations under this MOU while doing their congressionally mandated job in a nonpartisan way. Small business owners and employees alike transcend party lines. The SBA's sole purpose is to aid and support *all* small businesses. Unfortunately, this MOU makes the American people question whether the SBA is working to help small businesses or serving partisan ends.

The SBA should have never signed this MOU with Michigan. As this interim report illustrates, the MOU is unsupported by Federal and Michigan law. Furthermore, the SBA's MOU with the State of Michigan and its travel activity indicates the Agency's motivations are untethered to voter registration or supporting small businesses. Rather, the SBA's selection of Michigan and existing relationships with left-leaning organizations suggest the Agency is registering voters to effectuate a partisan outcome.

While the SBA's reach is relatively limited compared to other agencies, the SBA's activities under the MOU are part of a much larger, "whole-of-government" approach to becoming more involved with elections. Agencies outside of the SBA are also performing actions under E.O. 14019, and these actions create significant concerns about the role of the Federal agencies in the states' administration of elections. While this interim report focuses on the SBA, it is important to recognize that the SBA is *only one* of many Federal agencies.

Across the executive branch, several agencies have taken steps to implement E.O. 14019. For instance, the U.S. Department of Housing and Urban Development sent guidance to the executive directors of more than 3,000 public housing authorities managing about 1.2 million housing units, advising them on how to run voter registration drives through public housing agencies, how to apply to become a voter registration agency under the NVRA, and how to set up drop boxes for ballots on the premises.[169] Additionally, several other agencies have also met with left-leaning nonprofit organizations while implementing E.O. 14019. Notably, the Office of the U.S. Trade Representative sought to partner with "civic engagement organizations (e.g., Asian Americans Advancing Justice, Mexican American Legal Defense and Educational Fund, National Pan-Hellenic Council, Brennan Center for Justice) in developing and amplifying content for these online engagements" in its E.O. 14019 implementation plan.[170]

This whole-of-government implementation has raised a variety of constitutional and political concerns. In Congress, several committees and members questioned the constitutionality of E.O. 14019. For instance, the Committee wrote the SBA about constitutional concerns and initially inquired about the SBA's plans to implement E.O. 14019 on June 15, 2022.[171] The same day, the House Committee on Oversight and Reform wrote letters both the U.S. Office of Personnel Management and U.S. General Services Administration, which were signed by 19 members of Congress.[172] In July 2022, the House Judiciary Committee wrote the White House DPC and Office of Management and Budget raising constitutional questions and expressing concern over the "apparent collusion with a left-wing special interest group—to misuse government resources for selective voter turn-out operations."[173] Beyond congressional concerns, in August 2022, 15 state secretaries expressed constitutional concerns and requested President Biden to rescind E.O. 14019.[174] Additionally, several nonprofit organizations filed Federal lawsuit after the Biden-Harris Administration failed to respond to their respective

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[169] *Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts: Hearing Before H. Comm. on Small Bus.*, 118th Cong. (June 3, 2024) (opening statement of Stewart Whitson, Senior Director of Federal Affairs, The Foundation for Government Accountability).

[170] Office of the U.S. Trade Rep., STRATEGIC PLAN for the Implementation of Executive Order 14019, Access to Voting, 2 (Sep. 23, 2021) (on file with the Committee).

[171] Letter from Blaine Luetkemeyer, Ranking Member, H. Comm. on Small Bus., et al., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (June 15, 2022).

[172] Letter from James Comer, Ranking Member, H. Comm. on Oversight and Reform, et al., to Kiran Ahuja, Director, U.S. Off. of Personnel Mgmt. (Jun. 15, 2022); Letter from James Comer, Ranking Member, H. Comm. on Oversight and Reform, et al., to Robin Carnahan, Adm'r, U.S. General Serv's Admin. (Jun. 15, 2022).

[173] Letter from Jim Jordan, Ranking Member, Committee on the Judiciary, et al., to Susan E. Rice, Director, Domestic Policy Council, The White House, et al. (Jul. 15, 2022).

[174] Letter from John Merrill, Sec'y of State, Alabama, et al., to Joe Biden, President of the United States (Aug. 3, 2022).

FOIA requests to obtain documents pertaining to E.O. 14019.[175]

It is the Committee's sincere hope that the SBA complies with the ongoing parallel investigations into the Agency, including the OSC investigation. For the sake of Main Street, the Committee hopes that the SBA returns to serving small businesses, addresses the partisanship within the SBA, and starts becoming more transparent with Congress and the American taxpayer.

[175] *See e.g., Am. First Legal Foundation v. U.S. Dep't of Ag., et al.*, No. 22-3029, 2023 WL 4581313, *1, *2 (D.D.C. July 18, 2023).

APPENDIX

Appendix 1: List of Abbreviations

U.S. Small Business Administration	=	SBA
Executive Order 14019, *Promoting Access to Voting*	=	E.O. 14019
Memorandum of Agreement / Memorandum of Understanding between the SBA and Michigan Department of State	=	MOU
Michigan Department of State	=	MDOS
U.S. Department of Labor	=	DOL
U.S. Railroad Retirement Board	=	RRB
National Voter Registration Act of 1993	=	NVRA
Administrative Procedure Act	=	APA
Voter Registration Agency	=	VRA
U.S. Department of Veterans' Affairs	=	VA
Freedom of Information Act	=	FOIA
Protect the Public's Trust	=	PPT
Transcribed Interview	=	TI
Office of Special Counsel	=	OSC
Senior Executive Service	=	SES

Presidentially appointed and Senate confirmed Federal government employee	=	PAS
Democratic National Committee	=	DNC
Republican National Committee	=	RNC
American Civil Liberties Union	=	ACLU
White House Domestic Policy Council	=	DPC

Appendix 2: Timeline

2020

Dec. 2020	Dec. 3	Demos recommends that the Biden-Harris Administration "direct federal agencies to provide voter registration services."[176]

2021

Mar. 2021	Mar. 10	President Biden Releases E.O. 14019, *Promoting Access to Voting.*[177]
Apr. 2021	Apr. 9	First White House Interagency Policy Meeting (IPC) on Implementing E.O. 14019.[178]
May 2021	May 21	Julie Verratti and Victor Parker Attend Second IPC Meeting on Behalf of SBA's Office of Field Operations.[179]
Jun. 2021	Jun. 15	Initial Interim Report Due to White House on Implementing E.O. 14019.[180]
Jul. 2021	Jul. 1	Verratti and Parker Attend White House Roundtable with Election Officials Regarding Implementing E.O. 14019.[181]
	Jul. 12	White House Holds Roundtable with Voting Rights Advocates Regarding Implementing E.O. 14019.[182]
Aug. 2021	Aug. 21	Administrator Guzman Travels to Michigan.[183]
Sep. 2021	Sep. 23	Agency Strategic Plans for Implementing E.O. 14019 Due to White House Office of Domestic Policy.[184]
Dec. 2021	Dec. 8	White House Announces the SBA Became the First Federal Agency to Request Designation as a Voter Registration Agency Under the NVRA.[185]

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[176] Demos, Executive Action to Advance Democracy: What the Biden-Harris Administration and the Agencies Can Do to Build a More Inclusive Democracy (Dec. 3, 2020).
[177] Exec. Order No. 14019, 86 Fed. Reg. 13623 (Mar. 7, 2021).
[178] Email from Stephonn Alcorn, Special Assistant to the Domestic Pol'y Council, The White House, to Arthur Plews, Chief of Staff, U.S. Small Bus. Admin., et al., (Apr. 1, 2021, 10:55 AM) (on file with the Committee).
[179] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (May 3, 2021, 4:30 PM) (on file with the Committee).
[180] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (May 3, 2021, 4:30 PM) (on file with the Committee); Email from Larry Schwartztol, Associate White House Counsel and Special Assistant to the President, The White House, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (May 26, 2021, 10:27 PM).
[181] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (July 1, 2021, 5:16 PM) (on file with the Committee).
[182] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (July 12, 2021, 5:03 PM) (on file with the Committee).
[183] Calendar entry on file with the Committee.
[184] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (July 2, 2021, 8:16 PM) (on file with the Committee).
[185] Press Release, The White House, FACT SHEET: The Biden-Harris Administration is Taking Action to Restore and Strengthen American Democracy (Dec. 8, 2021).

2022

Jan. 2022	Jan. 22	SBA Acknowledges it is the First Federal Agency to Request Voter Registration Agency Status at the State Level.[186]
Mar. 2022	Mar. 7	Administrator Guzman Travels to Michigan.[187]
	Mar. 24	The White House Reiterates SBA Formally Requested designation *by Michigan* as a Voter Registration Agency under the NVRA.[188]
Jun. 2022	Jun. 15	House Small Business Committee, Minority, Sends Letter to SBA Regarding E.O. 14019.[189]
		House Committee on Oversight and Reform, Minority, Sends Letter to Office of Personnel Management and the U.S. General Services Administration Regarding E.O. 14019.[190]
Jul. 2022	Jul. 15	House Committee on the Judiciary, Minority, Sends Letter to White House DPC Regarding E.O. 14019.[191]
Aug. 2022	Aug. 3	15 Secretaries of State Write Letter to President Biden Opposing E.O. 14019.[192]
Sep. 2022	Sep. 22	Administrator Guzman Travels to Detroit, MI.[193]
Oct. 2022	Oct. 27	Administrator Guzman Travels to Detroit, MI.[194]
Nov. 2022	Nov. 8	2022 Midterm Election.
Dec. 2022	Dec. 14	U.S. Office of Special Counsel Releases Advisory Opinion RE: Use of Trump Campaign Slogans, now that Former President Trump is a 2024 Presidential Candidate.[195]

2023

Jun. 2023	Jun. 9	Administrator Guzman Visits Detroit, Michigan with White House Senior Advisor Mitch Landrieu.[196]

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[186] Press Release, U.S. Small Bus. Admin., One Year Later: Biden-Harris Administration, SBA Have Prioritized an Equitable Recovery, Centered on Strengthening Main Street and Supply Chains (Jan. 21, 2022).
[187] Press Release, U.S. Small Bus. Admin., READOUT: SBA Administrator Joined Congresswomen Brenda Lawrence, Rashida Tlaib, and Haley Stevens in Detroit to Highlight the SBA's Efforts to Support 'Made in America' Initiatives (Mar. 9, 2022).
[188] Press Release, The White House, Fact Sheet: Biden-Harris Administration Releases Report on Native American Voting Rights (Mar. 24, 2022).
[189] Letter from Blaine Luetkemeyer, Ranking Member, H. Comm. on Small Bus., et al., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (June 15, 2022).
[190] Letter from James Comer, Ranking Member, H. Comm. on Oversight and Reform, et al., to Kiran Ahuja, Director, U.S. Off. of Personnel Mgmt. (Jun. 15, 2022); Letter from James Comer, Ranking Member, H. Comm. on Oversight and Reform, et al., to Robin Carnahan, Adm'r, U.S. General Serv's Admin. (Jun. 15, 2022).
[191] Letter from Jim Jordan, Ranking Member, Committee on the Judiciary, et al., to Susan E. Rice, Director, Domestic Policy Council, The White House, et al. (Jul. 15, 2022).
[192] Letter from John Merrill, Sec'y of State, Alabama, et al., to Joe Biden, President of the United States (Aug. 3, 2022).
[193] Calendar entry on file with the Committee.
[194] Calendar entry on file with the Committee.
[195] U.S. Off. of Special Counsel, Hatch Act Advice for Federal Employees Now that Former President Trump is a Presidential Candidate (Dec. 14, 2022)
[196] Press Release, U.S. Small Bus. Admin, Readout on SBA Administrator Isabella Casillas Guzman's Visit to Detroit with White House Senior Advisor Mitch Landrieu (Jun. 12, 2023).

Feb. 2024	Feb. 22	Administrator Guzman Visits Detroit, MI with Vice President Harris to Kick-Off Investing in America Tour, Meets with Metro Detroit Black Business Alliance.[197]
	Feb. 23	Administrator Guzman Visits Grand Rapids, MI with Vice President Harris to highlight the Biden-Harris Administration's Black Small Business Boom.[198]
	Mar. 8	Biden-Harris Campaign Announces Trip to Saginaw for Thursday of Following Week.[199]
		Jennifer Kim, Associate Administrator of the SBA Office of Field Operations, Proposes Announcing the MOU "Late Next Week."[200]
		SBA Follows-Up with MDOS Regarding MOU Press Release.[201]
	Mar. 14	Biden-Harris Campaigns in Saginaw, Michigan Announcing Dedication of Resources to Win Michigan in Upcoming Election.[202]
Mar. 2024		SBA/MDOS MOU Signed.[203]
	Mar. 18	Jennifer Kim States Her Excitement "For the Partnership to be Finalized!"[204]
	Mar. 19	SBA Announces MOU with State of Michigan.[205]
	Mar. 20	House Small Business Committee Holds Hearing with SBA Administrator Guzman.[206]
	Mar. 22	Michigan Secretary of State Jocelyn Benson Announces Michigan's Elections Were Ranked #2 in the Nation by the MIT Election Data and Science Lab.[207]

[197] Press Release, U.S. Small Bus. Admin., Readout of SBA Administrator Guzman's Visit to Detroit to Kick off the Investing in America Tour (Feb. 22, 2024).
[198] Press Release, U.S. Small Bus. Admin., Readout of SBA Administrator Guzman's Visit to Grand Rapids with Vice President Harris (Feb. 23, 2024).
[199] Jordyn Hermani, *Joe Biden plans Michigan campaign stop in Saginaw, which picks winners*, Bridge Michigan (Mar. 8, 2024).
[200] E-mail from Jennifer Kim, Associate Adm'r, Office of Field Operations, U.S. Small Bus. Admin, to Meghan Schaar, Associate Legal Director, Michigan Dep't of State (Mar. 8, 2024, 12:31 PM) (on file with the Committee).
[201] E-mail from Rebecca Galanti, Press Secretary, U.S. Small Bus. Admin, to Jonathan Brater, Director of Elections, Michigan Dep't of State, et al., (Mar. 14, 2024, 9:35 AM) (on file with the Committee).
[202] *See Biden campaigns in Michigan in latest visit to battleground state*, The Wash. Post (Mar. 14, 2024).
[203] See U.S. Small Bus. Admin., *Memorandum of* Understanding (Mar. 18, 2024) (on file with Committee).
[204] E-mail from Jennifer Kim, Associate Administrator for the Office of Field Operations, U.S. Small Bus. Admin., to Jonathan Brater, Director of Elections, Michigan Dep't of State, et al., (Mar. 18, 2024, 1:14 PM) (on file with the Committee).
[205] 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).
[206] *See Conducting Oversight: Testimony from the Small Business Administrator: Hearing Before H. Comm. on Small B*us., 118th Cong. (Mar. 20, 2024) (statements of Dan Meuser, Member, H. Comm. on Small Bus., Pete Stauber, Member, H. Comm. on Small Bus).
[207] Press Release, Michigan Dep't of State, Secretary Benson announces Michigan's elections ranked #2 in the nation by MIT Election Data and Science Lab (Mar. 22, 2024).

	Apr. 3	MDOS Notifies the SBA that the Unique URL for Registering Voters is Live.[208]
	Apr. 4	House Small Business Committee Launches Investigation.
	Apr. 17	Video of Tyler Robinson, Former Special Assistant to the SBA Administrator, is Released on Twitter.[209]
Apr. 2024	Apr. 18	House Small Business Committee Sends Letter to SBA Regarding the Tyler Robinson Video.[210]
		Deputy Administrator Syed Speaks at Event in Dearborn, MI.[211]
	Apr. 25	Protect the Public's Trust (PPT) Requests Investigation into Apparent Hatch Act Violations by Officials at the White House and the Small Business Administration.[212]
	Apr. 28	Deputy Administrator Syed Travels to Michigan.[213]
	May 2	Tyler Robinson Fails to Appear to House Small Business Committee Transcribed Interview (TI).
	May 3	Arthur Plews Fails to Appear to House Small Business Committee TI.
	May 6	Deputy Administrator Syed Travels to Michigan.[214]
May 2024	May 7	House Small Business Committee Subpoenas Robinson and Plews for Depositions with the Committee.[215]
	May 16	House Small Business Committee and Senate Committee on Small Business & Entrepreneurship Send Joint Letter to SBA Regarding SBA's Press Releases, Travel Patterns of SBA Officials, and Requests for Additional Information.
	May 28	Deputy Administrator Syed Travels to Michigan with Vice President Harris.[216]

[208] E-mail from Jonathan Brater, Director of Elections, Michigan Dep't of State, to Jennifer Kim, Associate Administrator for the Office of Field Operations, U.S. Small Bus. Admin., et al., (Apr. 3, 2024, 2:15 PM).
[209] *See* James O'Keefe (@JamesOKeefeIII), Twitter (Apr. 17, 2024, 3:57 PM), https://x.com/JamesOKeefeIII/status/1780687148527579215.
[210] Letter from Roger Williams, Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Apr. 18, 2024).
[211] Event, Great Lakes Women's Bus. Council, SBA's American Arabic Small Business Celebration (Apr. 25, 2024).
[212] Letter from Michael Chamberlain, Director, Protect the Public's Trust, to Hampton Dellinger, U.S. Office of Special Counsel, Hatch Act Unit, et al. (Apr. 25, 2024).
[213] Dilawar Syed (@SBADeputyAdm), Twitter (Apr. 28, 2024, 3:28 PM), https://x.com/sbadeputyadm/status/1784666039680188923?s=46.
[214] Dilawar Syed (@SBADeputyAdm), Twitter (May 6, 2024, 10:24 AM), https://x.com/SBADeputyAdm/status/1787488677129543686.
[215] Subpoena from Roger Williams, et al., Chairman, 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 Arthur Plews, Chief of Staff, U.S. Small Bus. Admin. (May 7, 2024).
[216] Vice President Kamala Harris (@VP), Twitter (May 28, 2024, 4:46 PM), https://x.com/vp/status/1795557268462711203?s=42&t=tXCH_-NOSEbPyS2XKkr5iA.

	Jun. 3	House Small Business Committee Conducts TI with Tyler Robinson.
	Jun. 4	House Small Business Committee Holds First Hearing on SBA Voter Registration Efforts.
Jun. 2024	Jun. 11	House Small Business Committee Conducts TI with Arthur Plews.
	Jun. 17	Administrator Guzman Travels to Detroit, Michigan.[217]
	Jun. 28	Indiana Secretary of State Directs 100+ Agencies to Cease Unauthorized Involvement in Voter Registration Activities.[218]
	Jul. 15	House Small Business Committee and Senate Committee on Small Business & Entrepreneurship Send SBA Joint Letter Regarding the SBA's Unresponsiveness.[219] RNC Files Lawsuit Against Michigan Gov. Gretchen Whitmer for U.S. Department of Veterans Affairs and SBA Voter Registration Activities in Michigan.[220]
Jul. 2024	Jul. 21	President Biden Drops from 2024 Presidential Election.[221]
	Jul. 22	Michigan Gov. Whitmer Becomes Co-Chair of Kamala Harris Presidential Campaign.[222]
	Jul. 24	House Small Business Committee Holds Hearing with Jennifer Kim.
	Jul. 30	House Small Business Committee Issues Subpoena Regarding Outstanding Document Requests.[223]
Aug. 2024	Aug. 14	Attorney Generals from 9 States File Lawsuit Challenging E.O. 14019.[224]
Sep. 2024	Sep. 18	House Small Business Committee Holds Hearing with Administrator Guzman.

[217] Press Release, U.S. Small Bus. Admin., SBA, WIPP, AMEX to Cohost Government Contracting Education Initiative for Women Entrepreneurs in Michigan and Colorado (Jun. 14, 2024).
[218] *See* Leslie Bonilla Muniz, Indiana elections chief directs 100+ federal agencies to halt alleged 'unauthorized involvement', Indiana Capital Chronicle (Jul. 3, 2024).
[219] Letter from Roger Williams, et al., Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 15, 2024).
[220] *See* Dareh Gregorian and Selina Guevara*, Trump campaign sues Michigan Gov. Whitmer over new voter registration site*s, NBC News (July 15, 2024).
[221] Peter Nicholas and Dareh Gregorian, *President Joe Biden drops out of 2024 presidential race*, NBC News (Jul. 21, 2024).
[222] Tim Hains, *Michigan Gov. Gretchen Whitmer: Proud to be Co-Chair of the Kamala Harris Campaign*, Real Clear Politics (Jul. 22, 2024).
[223] Subpoena from Roger Williams, Chairman, H. Comm. on Small Bus., to Isabella C. Guzman, Adm'r, U.S. Small Bus. Admin. (Jul. 30, 2024).
[224] M.D. Kittle, *States File Federal Lawsuit To Shut Down 'Bidenbucks'*, The Federalist (Aug. 14, 2024). States include Montana, Kansas, Iowa, South Dakota, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina. *Id.*

Appendix 3: Verratti on Emails with White House Personnel Regarding a Meeting with Civil Rights Organizations [225]

From: Freeland, Devontae A. EOP/WHO (b) (6)
Sent: Friday, July 2, 2021 4:15 PM
To: Kumar.Chandran@(b) (6) Akhil.Rajan(b) (6) kim.peyser@(b) (6)
lisa.carnahan@(b) (6) jennifer.nist@(b) (6) jeffrey.r.register.civ@(b) (6)
david.e.beirne.civ@(b) (6) melvin.a.baird.civ@(b) (6)
william.r.mansell.civ@(b) (6) jessica.v.williams.civ@(b) (6)
jessica.Cardichon@(b) (6) nick.lee@(b) (6) shalanda.baker@(b) (6)
narayan.subramanian@(b) (6) Rachel.Pryor@(b) (6)
melanie.rainer@(b) (6) Josephine.Nguyen@(b) (6) Elly.H.Kugler(b) (6)
Chang.Chiu@(b) (6) Katherine.culliton-gonzalez@(b) (6)
Tara.Matthews@(b) (6) Carol.Wu@(b) (6) Bryan_newland@(b) (6)
anita.personius@(b) (6) Ruisanchez, Alberto (OASG); Pagnucco, Carrie (CRT);
Hanks.angela@(b) (6) SwainSmith.Katherine@(b) (6) orton.josh.m@(b) (6)
myerssi@(b) (6) MeeksJP@(b) (6) NortonB@(b) (6)
laura.schiller@(b) (6) Christopher.coes@(b) (6) Trevor.Norris@(b) (6)
daniel.brandt@(b) (6) Melissa.Bryant6@(b) (6) mharrington@(b) (6)
Cassady.alison@(b) (6) efron.brent@(b) (6) jacky.chang@(b) (6)
dave.zvenyach@(b) (6) lynn.eisenberg@(b) (6) Shriver, Robert EOP;
david.marsh@(b) (6) Thompson, Jamila EOP/USTR; Julie.verratti@(b) (6)
victor.parker@(b) (6) darlynda.bogle@(b) (6) bianca.freeman@(b) (6)
scott.frey@(b) (6) lydia.marshall@(b) (6) kilolo.kijakazi@(b) (6)
adam.gower@(b) (6) SimonoffMA@(b) (6) bleavitt@(b) (6)
Cc: Levitt, Justin M. EOP/WHO; Vail, Justin W. EOP/WHO; Schwartztol, Larry M. EOP/WHO
Subject: Voting EO stakeholder session #2 | Voting rights advocates roundtable on 7/12

Colleagues,

Thank you again for your efforts so far in planning implementation of the President's Executive Order on Promoting Access to Voting, and for the interim reports that you have submitted.

P.0066

As you know, we're coordinating some input from stakeholders, including what we hope you found to be an informative session yesterday afternoon with state and local election officials. We've also planned a session for nonpartisan nonprofit organizations engaged in voting rights advocacy to provide their recommendations and thoughts on best practices; we will follow up shortly with an additional session from nonprofit organizations with substantial expertise in reaching out to and engaging particular populations of voters who may be more difficult to reach. We hope that each of these sessions will provide helpful feedback as you further refine the strategic plans due to the Assistant to the President for Domestic Policy on September 23, 2021.

The session with voting rights advocates will take place on **July 12, from 2:00-3:30pm**. We've reached out to various umbrella organizations and regular advocates in this space; the organizations attending will focus on different constituencies and have different priorities. Some are state-level organizations; some have a national program. As with the election officials, they will have different perspectives. But they are also all eager to lend their perspectives to better inform your work.

[225] E-mail from Devontae Freeland, Special Assistant, White House Counsel's Office, the White House to Victor Parker, Deputy Associate Administrator, Office of Field Operations, U.S. Small Bus. Admin, et al., (Jul. 2, 2021, 4:15 PM) (on file with the Committee).

Appendix 4: DOJ Directive to Shield E.O. 14019 Implementation Plans from the Public [226]

pending on appeal before the District of Columbia Circuit. *See Am. First Legal Found. v. U.S. Dep't of Agriculture*, No. 22-cv-03029-BAH (D.D.C.), No. 23-5173 (D.C. Cir.).

6. As explained in the April 2024 Sauber Declaration, contrary to long-standing Executive Branch policy, the strategic plans of the Railroad Retirement Board and the Office of the U.S. Trade Representative were not sent to the White House Counsel's Office for consultation prior to their release by those agencies.

7. In light of these releases in the absence of consultations, the Department of Justice's Office of Information Policy sent an email on April 19, 2024, to all federal agencies identified by the White House as having submitted a strategic plan pursuant to Executive Order 14019. That email underscored the White House's position that the strategic plans submitted pursuant to Executive Order 14019 are intended to be confidential and are covered by the presidential communications privilege.

[226] *Foundation for Government Accountability v. U.S. Dept. of Justice*, 2:22-cv-00252-JLB-KCD (M. D. Fl. May 28, 2022) (Document 78-1) (on file with the Committee).

Appendix 5: U.S. Railroad Retirement Board E.O. 14019 Strategic Plans Excerpt [227]

IV. Assisting the public with voter registration, mail ballots, or other aspects of voting:

The RRB currently maintains 53 field offices across the country. Under normal working conditions, our field office representatives regularly provide in-person assistance to railroad employees and their family members in explaining eligibility requirements and filing claims for benefits. With our offices closed to the public due to the pandemic, we have been servicing our customers via our toll-free telephone service and through our website. When our offices fully

reopen, we will not have the staffing resources necessary to assume additional responsibilities such as maintaining voter registration forms or actively assisting members of the public in completing those forms.

[227] U.S. Railroad Retirement Bd., STRATEGIC PLAN for the Implementation of Executive Order 14019, Promoting Access to Voting, 4 (Sep. 23, 2021) (on file with the Committee).

Appendix 6: Department of Labor Correspondence RE: E.O. 14019 Implementation [228]

From: Holly McKamey Simoni
To: Donahue, Kajuana - ETA
Cc: Tyler Stockton; Trevor Mansfield
Subject: Re: Access to Voting Via AJCs
Date: Wednesday, April 27, 2022 1:56:20 PM

CAUTION - The sender of this message is external to the DOL network. Please use care when clicking on links and responding with sensitive information. Send suspicious email to spam@dol.gov.

Hello Kajuana

I wanted to let you know we discussed this TEGL and pros and cons of doing this. At this time, we do not have the bandwidth to implement this, but will keep this on our list to review. In Wyoming it's relatively easy and quick to get registered to vote. However, we will continue to watch this process and determine where we can assist if needed.

Thanks
Holly

On Wed, Apr 13, 2022 at 10:31 AM Donahue, Kajuana - ETA <Donahue.Kajuana@[redacted].gov> wrote:

> Good morning,
>
> Our office is interested in how or if states are planning to implement the newly issued guidance that allows for access to voting/voter registration in American Job Centers (see attached).
>
> Although states may not have already set up anything concrete, we'd like to get a sense of how this may be approached. Please provide any information that you may have now, and if/when it changes, we ask that you keep our office apprised of planned actions.
>
> Thank you,
>
> *Kajuana Donahue*
>
> Federal Project Officer/State Liaison
>
> U.S. Dept. of Labor/ETA

[228] Email from Holly McKamey Simoni, Workforce Programs Administrator, State of Wyoming, to Kajuana Donahue, Federal Project Officer/State Liaison, U.S. Dep't of Labor, et al., (Apr. 27, 2022) (on file with the Committee).