EXHIBIT B

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September 16, 2022

VIA ELECTRONIC MAIL: FOIA@sba.gov

Chief, Freedom of Information/Privacy Acts Office
U.S. Small Business Administration
409 Third St. SW, Eighth Floor
Washington, DC 20416

Re: FOIA Request for Restaurant Revitalization Fund Data

Dear Information Officer:

Please consider this letter as a formal request to the U.S. Small Business Administration ("SBA") for public records under the Freedom of Information Act ("FOIA"). This is an ongoing request. Likewise, if the SBA generates and/or discovers additional responsive documents after its initial production, please supplement. The time period covered by this request is May 3, 2021 to the present, and includes all electronic and/or hard copy records. I hereby request the following:

1. Documents or data showing SBA's distribution criteria for grants awarded pursuant to the American Rescue Plan Act, specifically the Restaurant Revitalization Fund (the "RRF"), from May 3, 2021 to the present.

2. Documents or data showing the SBA's distribution criteria for any future grant awards under the RRF.

3. Documents addressing the SBA's eradication of distributing RRF grants on the basis of race and sex that has been held to be unconstitutional by the Sixth Circuit Court of Appeals in *Vitolo v. Guzman,* 999 F.3d 353 (6th Cir. 2021).

4. Updated individual award data for all loans or other financial awards made pursuant to RRF, including but not limited to, grant applicants who were approved for funding but have not received funding to date.[1] The data should include: (i) the name of the recipient; (ii) application date; (iii) date of grant approval; (iv) award amount; (v) grant purpose; (vi) whether the grant applicant identified as being women owned, socially/economically disadvantaged, or veteran owned; and (vii) any other information reported to USAspending.gov for federal awards.

[1] Pursuant to the SBA's website, data.sba.gov, information on RFF grants was last updated on August 18, 2021.

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5. Documents addressing the SBA's efforts or plans to recover RRF grants awarded to ineligible applicants, or grants that should be otherwise returned because of fraud or other reasons. For example, the Government Accountability Office released a report titled *Restaurant Revitalization Fund: Opportunities Exist to Improve Oversight* that stated the SBA does not require recipients to report their operating status, despite the statute requiring that businesses that permanently close return the unused funds to the SBA.[2]

6. Documents and communications addressing the timing of future RRF distributions.

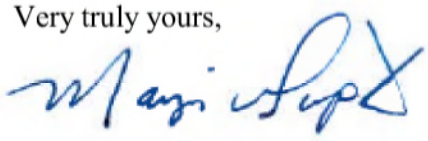
7. All policies related to the administration of the RRF, including but not limited to, the updated distribution criteria for RRF grants.

8. Documents and communications between the SBA and any other governmental entity regarding: (i) updated distribution criteria for RRF grants; (ii) efforts to recover RRF grants awarded to ineligible applicants or grants that should otherwise be returned; and (iii) timing of future RRF grant distributions.

If you regard these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As required under 5 U.S.C. § 552(a)(8), please release all segregable, non-exempt portions of documents. To permit me to reach an intelligent and informed decision whether to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

To expedite the release of the requested documents, please disclose them on an interim basis in **electronic format** as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding my request, including scope, please contact me at mgupta@ulmer.com. Please invoice me for charges incurred. Thank you for your assistance in this matter.

Very truly yours,



Manju Gupta

[2] GAO-22-105442: https://www.gao.gov/assets/gao-22-105442.pdf