

WILL: Sues Biden administration for race, sex discrimination in allocation of COVID relief funds for restaurants

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The News: The Wisconsin Institute for Law & Liberty (WILL) filed a [federal lawsuit](#) on behalf of a Tennessee restaurant owner against the United States Small Business Administration (SBA) over race and gender discrimination in the administration of the [Restaurant Revitalization Fund](#), a \$28.6 billion program authorized by the American Rescue Plan Act (ARPA). The law requires the SBA to give priority preference to restaurants owned by certain minorities and women, while bumping white males and other minorities to the back of the line, for funds available on a first-come, first-serve basis, and only until they run out.

WILL is asking for a temporary restraining order and injunction to halt the discrimination in the program. The case was filed in the Eastern District of Tennessee.

The Quotes: WILL President and General Counsel, Rick Esenberg, said, "Under the guise of pandemic relief, the American Rescue Plan Act enables the federal government to engage in illegal and unconstitutional race and sex discrimination. This is ugly, pernicious, and toxic. We will fight it wherever it shows up."

Antonio Vitolo, owner of Jake's Bar and Grill and plaintiff in the case, said, "I do not want special treatment. I just want to be treated equally under the law. I am opposed to race and sex discrimination, and I would hope my government lived up to the same principle."

Background: The \$1.9 trillion [American Rescue Plan Act](#), passed in March 2021, is President Joe Biden's signature COVID-19 relief bill. But many of the law's relief provisions include explicit race discrimination - like a [farmer loan forgiveness program](#) that excludes white people.

The [Restaurant Revitalization Fund](#) is another relief program that explicitly uses race and sex discrimination to award federal funds. The \$28.6 billion fund,

administered by the SBA, requires the federal agency to prioritize restaurants owned by women and minorities for the [first 21 days](#). In practice, the SBA takes all applications and keeps shifting white male restaurant owners to the back of the line.

The way the federal government is allocating COVID relief – in the farmer loan forgiveness program and Restaurant Revitalization Fund – is illegal and unconstitutional. Race and sex discrimination are not permitted under the law. WILL's Client: WILL represents Antonio Vitolo, the owner of Jake's Bar and Grill in Harriman, Roane County, Tennessee. Vitolo's wife is Hispanic and owns 50% of the restaurant, but Jake's Bar and Grill is not eligible for priority treatment because Vitolo is a white male. He applied for a grant on the first day the application opened, but the SBA will not process his application until all minority and female applications received during the first 21 days of the administration of the Restaurant Revitalization Fund are fulfilled. Vitolo may receive no COVID relief funds as a result.

WILL is asking the court for a temporary restraining order and injunction to halt the ongoing harm resulting from race and sex discrimination. Additionally, WILL is asking the court for a declaratory judgment that the administration of the Restaurant Revitalization Fund is unconstitutional.