



U.S. Department of Justice
Civil Division, Appellate Staff
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May 24, 2021

Via CM/ECF
Deborah S. Hunt
Clerk of Court
U.S. Court of Appeals for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, OH 45202-3988

Re: *Antonio Vitolo, et al. v. Isabella Casillas Guzman*, Case No. 21-5517

Dear Ms. Hunt:

I write in response to the Court's May 21, 2021 letter, requesting that the Government "update the Court as to the status of the Restaurant Revitalization Fund, including but not limited to the amount of unallocated funds remaining, what the daily disbursements have been for the past week, and any projections as to when the fund will run out." Dkt. 11. I have attached to this letter a declaration from John A. Miller, Deputy Associate Administrator of the Small Business Administration's Office of Capital Access, providing an update on the status of the Restaurant Revitalization Fund.

Sincerely,

/s/ Jack Starcher

Jack Starcher
Attorney for the Defendant-Appellee

Attachment

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ANTONIO VITOLO, et al.,)	
)	
Plaintiffs-Appellants,)	
v.)	No. 21-5517
)	
ISABELLA CASILLAS GUZMAN,)	
Administrator,)	
U.S. Small Business Administration,)	
)	
Defendant-Appellee.)	

DECLARATION OF JOHN A. MILLER

I, JOHN A. MILLER, hereby declare as follows:

1. I have worked at the United States Small Business Administration (“SBA”) for over twenty years. I currently hold the position of Deputy Associate Administrator for Capital Access. The Office of Capital Access is responsible for the operation of and development of policy for the SBA’s business loan programs authorized under the Small Business Act and the Restaurant Revitalization Fund (“RRF”) program authorized under the American Rescue Plan Act, among others. I am the highest-ranking career official in the Office of Capital Access and am knowledgeable about the RRF program.
2. The statements contained in this declaration are based on my personal knowledge and information made available to me in the course of carrying out my duties and responsibilities as Deputy Associate Administrator for Capital Access.
3. As of May 23, 2021, the SBA has disbursed approximately \$11,345,177,844 of the total \$28.6 billion in appropriated RRF funds. There is approximately \$17,254,822,156 in funds remaining to be disbursed.

4. Since the start of the RRF program on May 3, 2021, SBA has issued five disbursements of funds: on May 10, 2021 (\$2,018,218,285.75), on May 12, 2021 (\$691,981,034.98), on May 13, 2021 (\$219,468,719.79), on May 14, 2021 (\$506,552,569.82) and on May 21, 2021 (\$7,908,957,233.35).
5. SBA anticipates the remaining RRF funds will be disbursed in approximately 20-30 calendar days.
6. SBA is reserving authorization for one RRF grant application in the amount of \$104,590.20 for Jake's Bar and Grill, LLC, one of the plaintiffs in the above captioned matter pending the outcome of ongoing preliminary injunction litigation. The reserved amount is the RRF award amount calculated as part of Jake's Bar and Grill, LLC's RRF application.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24th day of May, 2021.

JOHN MILLER Digitally signed by JOHN MILLER
Date: 2021.05.24 12:36:05 -04'00'

John A. Miller
Deputy Associate Administrator, Office of Capital Access
U.S. Small Business Administration