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Subject: Racial preferences in restaurant relief in American Rescue Plan Act
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What is the SBA's response to claims that the priority given to black, Hispanic, and female restaurant owners in the American Rescue Plan's aid to restaurant owners violates the Constitution's equal-protection guarantee?

This seems to violate the Supreme Court's decisions in *Richmond v. J.A. Croson Co.* (1989) and *Adarand Constructors, Inc. v. Peña* (1995).

Lawyers and law professors claim this race-based priority for black, Hispanic, and female restaurant owners violates the Constitution. See, e.g., Jonathan Turley, "Biden's COVID aid: Is it 'preference' or 'prejudice,'" *The Hill*, May 22, 2021 (<https://thehill.com/opinion/judiciary/554886-bidens-covid-aid-is-it-preference-or-prejudice>); Mairead McArdle, "Biden's Restaurant Relief Program Excludes White Male Owners: White males will not be considered for three weeks, when the program is expected to be depleted," *The Daily Wire*, May 12, 2021 (<https://www.dailywire.com/news/bidens-restaurant-relief-program-excludes-white-male-owners>).

Specifically, they say there's no evidence of recent, widespread, intentional discrimination against minorities and women by the government (or people acting in cahoots with the government), as the Constitution requires for a race-based priority of this sort. So the Small Business Administration and the Commerce Department are violating the Constitution by giving priority to certain restaurant owners based on their race, under the American Rescue Plan.