



Karl Olson  
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June 8, 2021

**By E-Mail**

Delorice Price Ford  
Chief, Freedom of Information/Privacy Acts Office  
U.S. Small Business Administration  
409 Third St., 8th Floor  
Washington, D.C. 20416  
[foia@sba.gov](mailto:foia@sba.gov)

Re: Freedom of Information Act Request

Dear Ms. Ford:

I am writing on behalf of my client, the American Small Business League (“ASBL”), to request, pursuant to the Freedom of Information Act, records (in a single database, with entity names and contract values connected with one another, to the extent available) stating:

- The **names** of each and every person or entity that received a prime contract during Fiscal Year (“FY”) 2017 included in the United States Small Business Administration’s (“SBA”) determination that in FY 2017, the federal government awarded “23.88 percent in federal contract dollars to small businesses totaling \$105.7 billion,” as stated in the SBA’s press release entitled “The Federal Government Achieves Small Business Contracting Goal for the Fifth Consecutive Year with Record-Breaking \$105 Billion to Small Businesses,” dated May 23, 2018, and the SBA’s FY 2017 small business federal procurement scorecard.
- The **names** of each and every person or entity that received a subcontract during FY 2017 included in the SBA’s determination that in FY 2017, the federal government awarded “23.88 percent in federal contract dollars to small businesses totaling \$105.7 billion,” as stated in the SBA’s press release entitled “The Federal Government Achieves Small Business Contracting Goal for the Fifth Consecutive Year with Record-Breaking \$105 Billion to Small Businesses,” dated May 23, 2018, and the SBA’s FY 2017 small business federal procurement scorecard.

- The **dollar amount** of each and every **prime** contract awarded during FY 2017 included in the SBA's determination that in FY 2017, the federal government awarded "23.88 percent in federal contract dollars to small businesses totaling \$105.7 billion," as stated in the SBA's press release entitled "The Federal Government Achieves Small Business Contracting Goal for the Fifth Consecutive Year with Record-Breaking \$105 Billion to Small Businesses," dated May 23, 2018, and the SBA's FY 2017 small business federal procurement scorecard.
- The **dollar amount** of each and every **subcontract** awarded during FY 2017 included in the SBA's determination that in FY 2017, the federal government awarded "23.88 percent in federal contract dollars to small businesses totaling \$105.7 billion," as stated in the SBA's press release entitled "The Federal Government Achieves Small Business Contracting Goal for the Fifth Consecutive Year with Record-Breaking \$105 Billion to Small Businesses," dated May 23, 2018, and the SBA's FY 2017 small business federal procurement scorecard.
- The **names** of each and every person or entity that received a prime contract during FY 2018 included in the SBA's determination that in FY 2018, the federal government awarded "25.05 percent in federal contract dollars to small businesses totaling \$120.8 billion, as stated in the SBA's press release titled "Federal Government Achieves Small Business Contracting Goal for Sixth Consecutive Year with Record-Breaking \$120 Billion to Small Businesses," dated **June 25, 2019**, and the SBA's FY 2018 small business federal procurement scorecard.
- Records stating the **names** of each and every person or entity that received a subcontract during FY 2018 included in the SBA's determination that in FY 2018, the federal government awarded "25.05 percent in federal contract dollars to small businesses totaling \$120.8 billion, as stated in the SBA's press release titled "Federal Government Achieves Small Business Contracting Goal for Sixth Consecutive Year with Record-Breaking \$120 Billion to Small Businesses," dated **June 25, 2019**, and the SBA's FY 2018 small business federal procurement scorecard.
- Records stating the **dollar amount** (linked to the names) of each and every **prime** contract awarded during FY 2018 included in the SBA's determination that in FY 2018, the federal government awarded "25.05 percent in federal contract dollars to small businesses totaling \$120.8 billion, as stated in the SBA's press release titled "Federal Government Achieves Small Business Contracting Goal for Sixth Consecutive Year with Record-Breaking \$120 Billion to Small Businesses," dated June 25, 2019, and the SBA's FY 2018 small business federal procurement scorecard.
- Records stating the **dollar amount** (linked to the names) of each and every **subcontract** awarded during FY 2018 included in the SBA's determination that in FY 2018, the federal government awarded "25.05 percent in federal contract dollars to small businesses totaling \$120.8 billion, as stated in the SBA's press release titled "Federal Government Achieves Small Business Contracting Goal for Sixth Consecutive Year with Record-

Breaking \$120 Billion to Small Businesses,” dated June 25, 2019, and the SBA’s FY 2018 small business federal procurement scorecard.

- Records stating the **names** of each and every person or entity that received a **prime** contract during FY 2019 included in the SBA’s determination that in FY 2019, the federal government awarded “26.50 percent or \$132.9 billion in federal contract dollars to small businesses,” as stated in the SBA’s press release titled “Federal Government Exceeds Small Business Contracting Goals by Awarding Record-Breaking \$132.9 Billion to Small Businesses,” dated **August 12, 2020**, and the SBA’s FY 2019 small business scorecard.
- Records stating the **names** of each and every person or entity that received a subcontract during FY 2019 included in the SBA’s determination that in FY 2019, the federal government awarded “26.50 percent or \$132.9 billion in federal contract dollars to small businesses,” as stated in the SBA’s press release titled “Federal Government Exceeds Small Business Contracting Goals by Awarding Record-Breaking \$132.9 Billion to Small Businesses,” dated **August 12, 2020**, and the SBA’s FY 2019 small business scorecard.
- Records stating the **dollar amount** (linked to names) of each and every **prime** contract awarded during FY 2019 included in the SBA’s determination that in FY 2019, the federal government awarded “26.50 percent or \$132.9 billion in federal contract dollars to small businesses,” as stated in the SBA’s press release titled “Federal Government Exceeds Small Business Contracting Goals by Awarding Record-Breaking \$132.9 Billion to Small Businesses,” dated August 12, 2020, and the SBA’s FY 2019 small business scorecard.
- Records stating the **dollar amount** of each and every **subcontract** awarded during FY 2019 included in the SBA’s determination that in FY 2019, the federal government awarded “26.50 percent or \$132.9 billion in federal contract dollars to small businesses,” as stated in the SBA’s press release titled “Federal Government Exceeds Small Business Contracting Goals by Awarding Record-Breaking \$132.9 Billion to Small Businesses,” dated August 12, 2020, and the SBA’s FY 2019 small business scorecard.
- Records stating the names of each and every person or entity the SBA has deemed a small business for purposes of the federal government’s small business federal contracting goal that was awarded a prime contract in FY 2020.
- Records stating the names of each and every person or entity the SBA has deemed a small business for purposes of the federal government’s small business federal contracting goal that received a subcontract in FY 2020.
- Records stating the dollar amount of each and every prime contract awarded to persons or entities the SBA has deemed small businesses for purposes of the federal government’s small business federal contracting goal during FY 2020.

- Records stating the dollar amount of each and every subcontract awarded to persons or entities the SBA has deemed small businesses for purposes of the federal government's small business federal contracting goal during FY 2020.
- Records stating the total number of Alaska Native Corporation-owned entities, as defined in 13 C.F.R. § 124.109, that were awarded a prime federal government contract from FY 2017 through FY 2020.
- Records stating the total number of Alaska Native Corporation-owned firms, as defined in 13 C.F.R. § 124.109, that were awarded a federal government subcontract from FY 2017 through FY 2020.
- Records stating the **names** of each and every entity classified by the SBA as Alaska Native Corporation-owned, as defined in 13 C.F.R. § 124.109, from FY 2017 through FY 2020.
- Records stating the dollar amount of each and every contract awarded to Alaska Native Corporation-owned entities, as defined in 13 C.F.R. § 124.109, from FY 2017 to FY 2020.

We request that fees associated with this request be waived, or otherwise reduced, because ASBL is a representative of the media. *See American Small Business League v. Small Business Administration*, No. C 08-00829 MHP, 2009 WL 1011632 at \*5 (N.D. Cal. 2009) (awarding ASBL attorneys' fees based on factors similar to those for a fee waiver under FOIA). In researching, promoting, and advocating for small business concerns, ASBL primarily gathers information regarding federal and state policies and disseminates such information to the general public through press releases, opinion articles, and other means, and acts as a clearinghouse for this information. ASBL, through its founder, has made numerous appearances on television and in the press to discuss information obtained through FOIA, and federal small business programs and policies more broadly. This request is not made to further ASBL's commercial interests. Fees should also be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the records is in the public interest because the records will shed light on how the SBA regulates its small business loan programs, particularly its 8(a) BD Program, and how the SBA complies with its small business contracting goals pursuant to the Small Business Act. Federal courts have already found that names of federal loan participants and loan dollar amounts are not exempt from disclosure. *See WP Co., LLC v. U.S. Small Bus. Admin.*, No. 1:20-cv-01240 (JEB), ECF No. 23 at 40 (D.D.C. Nov. 5, 2020) (finding that Paycheck Protection Program loan recipient names and loan amounts are not exempt from disclosure). It follows that the names of SBA loan and contract recipients, as well as the amount of such loans and contracts, should also be disclosed. Furthermore, the information requested is currently not disclosed to the general public and will contribute significantly to the public understanding of the operations and activities of the SBA. Lastly, ASBL makes this request purely for its noncommercial interests in disseminating information about small business programs and advocating for small business interests, including the interest of small businesses in ensuring that the federal government meets its twenty-three percent small business contracting goal by contracting with actual, legitimate

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small businesses (and, as to the last few categories of the request, actual Alaska Native Corporations), in a manner that furthers the policy interests animating that government-wide objective. ASBL has requested similar records in past years, and has successfully obtained records related to federal small business contracts from the SBA, even when the SBA has claimed that it did not have such records vital to its mission. *See American Small Business League v. Small Business Administration*, No. C 08–00829 MHP, 2008 WL 3977780 at \*3 (“The court finds curious the SBA's argument that it does not “control” the very information it needs to carry out its duties and functions.”). The records requested here are no different and should be disclosed accordingly.

Please do not hesitate to contact me or my associates Aaron Field or Irene Lee if there are any questions or concerns.

Very truly yours,

CANNATA, O'TOOLE, FICKES & OLSON LLP



KARL OLSON

KO:hs

Cc: Lloyd Chapman  
Aaron Field  
Irene Lee