

116TH CONGRESS  
2D SESSION

# H. R. 6344

To modify the economic injury disaster loan of the Small Business Administration in response to COVID–19, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mr. EVANS introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To modify the economic injury disaster loan of the Small Business Administration in response to COVID–19, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Expediting the EIDL  
5       Program Act of 2020”.

6       **SEC. 2. ECONOMIC INJURY DISASTER LOANS.**

7       (a) TERMS.—With respect to a loan made under sec-  
8       tion 7(b)(2) of the Small Business Act (15 U.S.C.  
9       636(b)(2)) in response to COVID–19, the Administrator  
10      of the Small Business Administration—

1           (1) may make such a loan to a start-up small  
2 business concern;

3           (2) may waive any rules related to affiliation;  
4 and

5           (3) shall, with respect to such a loan made to  
6 a cooperative, waive any requirement that the bor-  
7 rower of such loan provide a personal guarantee to  
8 repay such loan.

9       (b) PRELIMINARY AMOUNTS.—

10           (1) IN GENERAL.—An applicant for a loan  
11 under section 7(b)(2) of the Small Business Act (15  
12 U.S.C. 636(b)(2)) in response to COVID–19 may re-  
13 quest that the Administrator provide an advance in  
14 the amount requested by such applicant (not to ex-  
15 ceed \$10,000) to such applicant within 3 days after  
16 the Administrator receives an application from such  
17 applicant.

18           (2) VERIFICATION.—Before disbursing amounts  
19 under this subsection, the Administrator shall verify  
20 that the applicant is a small business concern (as  
21 defined under section 3 of such Act (15 U.S.C.  
22 632)).

23           (3) REPAYMENT.—An applicant that is subse-  
24 quently denied a loan under such section 7(b)(2)

1       shall not be required to repay any amounts of an ad-  
2       vance provided under this subsection.

3       (c) APPROVAL AND ABILITY TO REPAY FOR SMALL  
4 DOLLAR LOANS.—With respect to a loan made under sec-  
5 tion 7(b)(2) of the Small Business Act (15 U.S.C.  
6 636(b)(2)) in response to COVID–19 that does not exceed  
7 \$350,000, the Administrator—

8           (1) may approve an applicant based solely on  
9       the credit score of the applicant and shall not re-  
10      quire an applicant to submit a tax return or a tax  
11      return transcript for such approval; or

12           (2) use alternative appropriate methods to de-  
13      termine an applicant’s ability to repay.

14       (d) EMERGENCIES INVOLVING FEDERAL PRIMARY  
15 RESPONSIBILITY QUALIFYING FOR SMALL BUSINESS AD-  
16 MINISTRATION ASSISTANCE.—Section 7(b)(2) of the  
17 Small Business Act (15 U.S.C. 636(b)(2)) is amended—

18           (1) in subparagraph (A), by striking “or” at  
19      the end;

20           (2) in subparagraph (B), by striking “or” at  
21      the end;

22           (3) in subparagraph (C), by striking “or” at  
23      the end;

24           (4) by redesignating subparagraph (D) as sub-  
25      paragraph (E);

(5) by inserting after subparagraph (C) the following:

“(D) an emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)); or”;

(6) in subparagraph (E), as so redesignated—

(A) by striking “or (C)” and inserting “(C), or (D)”;

(B) by striking “disaster declaration” each place it appears and inserting “disaster or emergency declaration”;

(C) by striking “disaster has occurred” and inserting “disaster or emergency has occurred”;

(D) by striking “such disaster” and inserting “such disaster or emergency”; and

(E) by striking “disaster stricken” and inserting “disaster- or emergency-stricken”; and

(7) in the flush matter following subparagraph (E) (as so redesignated), by striking the period at the end and inserting the following: “: *Provided further*, That for purposes of subparagraph (D), the Administrator shall deem that such an emergency

1 affects each State or subdivision thereof (including  
2 counties), and that each State or subdivision has  
3 sufficient economic damage to small business con-  
4 cerns to qualify for assistance under this paragraph  
5 and the Administrator shall accept applications for  
6 such assistance immediately.”

7 (e) CREDIT ELSEWHERE REQUIREMENTS.—The  
8 flush matter following subparagraph (E) (as so redesign-  
9 nated) of section 7(b)(2) of the Small Business Act (15  
10 U.S.C. 636(b)(2)) is amended by striking “That no loan  
11 or guarantee” and all that follows through “credit else-  
12 where.” and inserting the following: “The interest rate on  
13 a loan or guarantee made under this paragraph shall be  
14 not more than 2 percent, if the Administrator determines  
15 the applicant is not able to obtain credit elsewhere, or not  
16 more than 4 percent, if the Administrator determines the  
17 applicant is able to obtain credit elsewhere.”.

18 (f) ELIGIBILITY.—Section 7(b)(2) of the Small Busi-  
19 ness Act is amended by striking “small agricultural coop-  
20 erative” and inserting “small cooperative”.

21 (g) ADDITIONAL AMOUNTS.—

22 (1) IN GENERAL.—The Administrator of the  
23 Small Business Administration may increase by 20  
24 percent the amount received by an eligible small  
25 business concern under section 7(b)(2) of the Small

1 Business Act (15 U.S.C. 636(b)(2)) to cover con-  
2 tinuity-of-operations and risk mitigation improve-  
3 ments, including telework capability, offsite record  
4 keeping, redundancy, the administrative costs of es-  
5 tablishing paid sick leave, and presenteeism preven-  
6 tion.

7 (2) DEFINITION.—In this section, the term “el-  
8 igible small business concern” means a small busi-  
9 ness concern that—

10 (A) meets the applicable size standard es-  
11 tablished under section 3 of the Small Business  
12 Act (15 U.S.C. 632); and

13 (B) is receiving assistance under section  
14 7(b)(2) of the Small Business Act (15 U.S.C.  
15 636(b)(2)) related to COVID–19.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to the Administrator to  
18 carry out the loan program under section 7(b)(2) of the  
19 Small Business Act (15 U.S.C. 636(b)(2))—

20 (1) \$177,000,000 for administration costs; and

21 (2) \$1,000,000,000 to provide loans or other  
22 assistance.

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