

116TH CONGRESS
2D SESSION

H. R. 6758

To establish requirements for funds appropriated to carry out the paycheck protection program, to require reporting on the use of such funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2020

Ms. GARCIA of Texas introduced the following bill; which was referred to the Committee on Small Business

A BILL

To establish requirements for funds appropriated to carry out the paycheck protection program, to require reporting on the use of such funds, 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. SET ASIDE FOR MINORITY DEPOSITORY INSTI-**
4 **TUTIONS AND COMMUNITY DEVELOPMENT**
5 **FINANCIAL INSTITUTIONS UNDER THE PAY-**
6 **CHECK PROTECTION PROGRAM AND HEALTH**
7 **CARE ENHANCEMENT ACT.**

8 With respect to amounts appropriated under section
9 101(a) of division A of the Paycheck Protection Program

1 and Health Care Enhancement Act (Public Law 116–139)
2 for the cost of guaranteed loans made under section
3 7(a)(36) of the Small Business Act (15 U.S.C.
4 636(a)(36)), \$10,000,000,000 of such amounts not other-
5 wise obligated or expended shall be set aside for loan guar-
6 antees made by minority depository institutions (as de-
7 fined in section 308 of the Financial Institutions Reform,
8 Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463
9 note)) and community development financial institutions
10 (as defined in section 103 of the Riegle Community Devel-
11 opment and Regulatory Improvement Act of 1994 (12
12 U.S.C. 4702)).

13 **SEC. 2. SET ASIDE FOR CERTAIN LENDERS AND REPORT-**
14 **ING REQUIREMENTS FOR THE PAYCHECK**
15 **PROTECTION PROGRAM.**

16 (a) SET ASIDE FOR CERTAIN LENDERS.—

17 (1) IN GENERAL.—On the date on which all
18 amounts appropriated by the Paycheck Protection
19 Program and Health Care Enhancement Act (Public
20 Law 116–139) under the heading “Small Business
21 Administration—Business Loans Program Account,
22 CARES Act” are expended, subparagraph (S) of
23 section 7(a)(36) of the Small Business Act (15
24 U.S.C. 636(a)(36)(S)) is amended to read as fol-
25 lows:

1 “(S) SET ASIDE FOR CERTAIN LENDER.—
2 The Administrator shall provide for the cost of
3 guaranteed covered loans made under this para-
4 graph—

5 “(i) a set aside of 20 percent of each
6 amount appropriated pursuant to this to
7 carry out this paragraph for loans made by
8 community financial institutions (as de-
9 fined in subparagraph (A)(xi) of such sec-
10 tion), insured depository institutions (as
11 defined in subparagraph (A)(i) of such sec-
12 tion), and credit unions (as defined in sub-
13 paragraph (A)(xii) of such section), with
14 consolidated assets of less than
15 \$10,000,000,000;

16 “(ii) a set aside of 10 percent of each
17 amount appropriated pursuant to this to
18 carry out this paragraph for loans made by
19 insured depository institutions (as defined
20 in subparagraph (A)(i) of such section)
21 and credit unions (as defined in subpara-
22 graph (A)(xii) of such section) with con-
23 solidated assets of not less than
24 \$10,000,000,000 and less than
25 \$50,000,000,000; and

1 “(iii) a set aside equal the greater of
2 \$10,000,000,000 or 5 percent of each
3 amount appropriated pursuant to this to
4 carry out this paragraph for loans made by
5 minority depository institutions (as defined
6 in section 308 of the Financial Institutions
7 Reform, Recovery, and Enforcement Act of
8 1989 (12 U.S.C. 1463 note)) and commu-
9 nity development financial institutions (as
10 defined in section 103 of the Riegle Com-
11 munity Development and Regulatory Im-
12 provement Act of 1994 (12 U.S.C.
13 4702)).”.

14 (2) NOTIFICATION.—The Administrator of the
15 Small Business Administration shall notify the Law
16 Revision Counsel of the House of Representatives of
17 the date on which the amounts described under
18 paragraph (1) are expended so that the Law Revi-
19 sion Counsel may execute the amendments made by
20 paragraph (1).

21 (b) PROCESSING.—Section 7(a)(36) of the Small
22 Business Act (15 U.S.C. 636(a)(36)) is amended by add-
23 ing at the end the following new subparagraph:

24 “(T) APPLICATION PROCESSING.—

1 “(i) IN GENERAL.—The Administrator
2 and the Secretary of the Treasury shall, at
3 least twice weekly, provide separate 8-hour
4 period during which the Administrator and
5 the Secretary shall process the following
6 applications under this paragraph:

7 “(I) Applications compiled by
8 lenders with consolidated assets of
9 less than \$1,000,000,000 that are au-
10 thorized to make loans under this
11 paragraph.

12 “(II) Applications compiled by
13 lenders from eligible recipients that
14 have 20 or fewer employees for a prin-
15 cipal amount of a covered loan of less
16 than \$200,000.

17 “(ii) REQUIREMENTS.—The Adminis-
18 trator and the Secretary shall, at least 72
19 hours in advance, provide notice of when
20 an 8-hour period described in clause (i)
21 will begin. Such 8-hour period may not be
22 between 12 a.m. and 8 a.m.”.

23 (c) REPORTS.—

24 (1) IN GENERAL.—During the period beginning
25 on the date of the enactment of an Act appro-

1 priating amounts under the heading “Small Busi-
2 ness Administration—Business Loans Program Ac-
3 count, CARES Act” that is on or after the date of
4 the enactment of this Act, and ending on the date
5 on which such amounts are expended, the Adminis-
6 trator of the Small Business Administrator and the
7 Secretary of the Treasury shall make publicly avail-
8 able—

9 (A) on a daily basis, the amount of funds
10 under such heading that have not been obli-
11 gated or expended; and

12 (B) on a weekly basis, the amount of funds
13 under such heading made available to lenders,
14 disaggregated by the type of lender (including
15 minority depository institutions (as defined in
16 section 308 of the Financial Institutions Re-
17 form, Recovery, and Enforcement Act of 1989
18 (12 U.S.C. 1463 note)) and community develop-
19 ment financial institutions (as defined in sec-
20 tion 103 of the Riegle Community Development
21 and Regulatory Improvement Act of 1994 (12
22 U.S.C. 4702))) and the total consolidated assets
23 of each such lender.

24 (2) PRIOR EXPENDITURES.—Not later than 7
25 days after the date of the enactment of this Act, the

1 Administrator of the Small Business Administrator
2 and the Secretary of the Treasury shall make pub-
3 licly available a report on funds made available
4 under the heading “Small Business Administra-
5 tion—Business Loans Program Account, CARES
6 Act” to lenders, disaggregated by the type of lender
7 (including minority depository institutions (as de-
8 fined in section 308 of the Financial Institutions Re-
9 form, Recovery, and Enforcement Act of 1989 (12
10 U.S.C. 1463 note)) and community development fi-
11 nancial institutions (as defined in section 103 of the
12 Riegle Community Development and Regulatory Im-
13 provement Act of 1994 (12 U.S.C. 4702))) and the
14 total consolidated assets of each such lender.

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